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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

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SENATE

MONDAY, June 10, 1935.

The Senate met at 9 o'clock, P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Teach us, our Father, the full meaning of the word duty. Then give us a true sense of the beauty and glory of duty performed. Where duty points help us to go. What duty commands help us to do. High above all other figures towers her form. Clearer and louder than all their voices ring her clarion tones.

Enticing gestures and siren voices from the grosser elements of life ever strive to lead us away from duty's path. Like Ulysses may we seal our ears and close our eyes to all such allurements and steadily pursue our journey toward ultimate achievement.

True greatness, real statesmanship have been reached only by the men who did duty when so doing brought condemnation, danger and even death. We need such men today. May each member of this Senate be such a man! Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from numerous churches, organizations and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING FURTHER AMENDMENT OF THE BLUE LAWS

The Chair also laid before the Senate petitions from various organizations and individuals throughout the State favoring passage of the Sunday movie bill.

Which were referred to the Committee on Law and Order.

FAVORING REFERENDUM OF SUNDAY MOVIE LEGISLATION

The Chair also laid before the Senate petitions signed by hundreds of residents from Chester and Philadelphia Counties favoring a referendum on Sunday movie legislation.

Which were referred to the Committee on Law and Order.

FAVORING ACTION ON PENDING SOCIAL LEGISLATION

The Chair also laid before the Senate petition from Local Union No. 1794, Studa, favoring action on pending social legislation.

Which was referred to the Committee on Law and Order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 272 (Senate Bill No. 1545), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing for notice of the provisions of this act to be furnished newly qualified magistrates aldermen and justices of the peace and others and providing penalties for violations thereof.

Which was committed to the Committee on Municipal Government.

House Bill No. 477 (Senate Bill No. 1546), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Which was committed to the Committee on Appropriations.

House Bill No. 564 (Senate Bill No. 1547), entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Which was committed to the Committee on Appropriations.

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House Bill No. 689 (Senate Bill No. 1548), entitled:

An Act authorizing the insurance of deposits of the funds of school districts with the Federal Deposit Insurance Corporation or similar agency; and prohibiting requiring further security for amounts so insured.

Which was committed to the Committee on Education.

House Bill No. 719 (Senate Bill No. 1549), entitled:

An Act ratifying, confirming and validating transactions by boards of school directors involving defects and errors of law, but where there was no fraud, corruption, dishonesty or conspiracy to violate the law; and exonerating school directors from surcharge or removal from office in such cases.

Which was committed to the Committee on Education.

House Bill No. 805 (Senate Bill No. 1550), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania Military College, Chester, Pennsylvania, for the training and education of students.

Which was committed to the Committee on Appropriations.

House Bill No. 1031 (Senate Bill No. 1551), entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomanettes and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Which was committed to the Committee on Appropriations.

House Bill No. 1133 (Senate Bill No. 1552)), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1241 (Senate Bill No. 1553), entitled:

An Act imposing a State tax upon certain butter substitutes; providing for the collection thereof; requiring distributors to be registered; imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State; and the Department of Agriculture; and prescribing penalties.

Which was committed to the Committee on Finance.

House Bill No. 1552 (Senate Bill No. 1554), entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" as amended; eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity.

Which was committed to the Committee on Education.

House Bill No. 1587 (Senate Bill No. 1555), entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance, pensions for the blind and old age assistance.

Which was committed to the Committee on Appropriations.

House Bill No. 1591 (Senate Bill No. 1556), entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind.

Which was committed to the Committee on Appropriations.

House Bill No. 1603 (Senate Bill No. 1557), entitled:

An Act to amend section two hundred and four of the act, approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended; further regulating the establishment and maintenance of branch banks, offices and agencies.

Which was committed to the Committee on Banking.

House Bill No. 1895 (Senate Bill No. 1558), entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance of certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

Which was committed to the Committee on Appropriations.

House Bill No. 1898 (Senate Bill No. 1559), entitled:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose including parks or playgrounds and providing for the making of such assessments by the Board of Viewers and the entry of such assessments as liens

Which was committed to the Committee on Municipal Government.

House Bill No. 2008 (Senate Bill No. 1560), entitled:

An Act requiring weighers of cargo of ships at port in cities, and to be licensed; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2025 (Senate Bill No. 1561), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929," as amended, by exempting municipalities and townships from paying any license fee on their service lines.

Which was committed to the Committee on State Government.

House Bill No. 2105 (Senate Bill No. 1562), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929 by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties (except counties of the first class) cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

Which was committed to the Committee on State Government.

House Bill No. 2026 (Senate Bill No. 1563), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth, one thousand nine hundred and nineteen (P. L. 1003) entitled), "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees; and making an appropriation therefor.

Which was committed to the Committee on Appropriations.

House Bill No. 2143 (Senate Bill No. 1564), entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," requiring cities to make certain payments into the police pension fund.

Which was committed to the Committee on Municipal Government.

House Bill No. 2184 (Senate Bill No. 1565), entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "Rural State Highway Law," as amended by changing certain routes and adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 2204 (Senate Bill No. 1566), entitled:

An Act to amend sections six and eleven of the act, approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties" changing the qualifications of mothers entitled to the assistance provided by the said act.

Which was committed to the Committee on State Government.

House Bill No. 2213 (Senate Bill No. 1567), entitled:

An Act relating to criminal procedure, providing for the securing of attendance of witnesses in certain criminal cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 2377 (Senate Bill No. 1568), entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "Insurance Department Act of 1921" by establishing yearly minimum reserve ratio.

Which was committed to the Committee on Insurance.

House Bill No. 2403 (Senate Bill No. 1569), entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-two (P. L. 682), entitled "Insurance Company Law of 1921," by prescribing the requirements of foreign mutual insurance companies, other than life, for admission to do business in this Commonwealth.

Which was committed to the Committee on Insurance.

House Bill No. 2407 (Senate Bill No. 1570), entitled:

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2412 (Senate Bill No. 1571), entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to provide that the bonds of the authority shall be legal investments to provide that housing authorities their property and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards

Which was committed to the Committee on Municipal Government.

House Bill No. 2423 (Senate Bill No. 1572), entitled:

An Act to amend section one of the act, approved the seventeenth day of April, one thousand nine hundred and twenty-nine (P. L. 527), entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit, without the necessity of entering liens for such claims, and repealing existing laws," by extending the right of action conferred thereby to the assignees of cities, boroughs, incorporated towns, and first class townships.

Which was committed to the Committee on Municipal Government.

House Bill No. 2469 (Senate Bill No. 1573), entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Which was committed to the Committee on Municipal Government.

House Bill No. 2470 (Senate Bill No. 1574), entitled:

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act (approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "Voting Machine Law," by changing the method of collecting and disbursing fees received or collected for examinations of voting machines.

Which was committed to the Committee on Elections.

House Bill No. 2527 (Senate Bill No. 1575), entitled:

An Act providing for special vocational trade, industrial and commercial schools and classes, in cooperation with school districts and employment, reemployment and adjustment offices, for the training, re-training and instruction of certain persons in order to enable them to enter. re-enter or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation.

Which was committed to the Committee on Education.

House Bill No. 2529 (Senate Bill No. 1576), entitled:

An Act to amend the act approved the tenth day of March, one thousand nine hundred twenty-seven (P. L. 27), entitled "Pennsylvania Plant Pest Act of 1927," by providing for arrest on view, and clarifying the procedure to enforce the act.

Which was committed to the Committee on Agriculture.

House Bill No. 2583 (Senate Bill No. 1577), entitled:

An Act to amend sections 102 203 as amended section 209 sections 402 410 411 as amended sections 505 602 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "Vehicle Code" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

Which was committed to the Committee on Highways.

House Bill No. 2875 (Senate Bill No. 1578), entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'Domestic Animal Disease Suppression Law," regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

Which was committed to the Committee on Agriculture.

House Bill No. 2515 (Senate Bill No. 1579), entitled:

An Act to amend the title and to amend sections three four, six, seven, eight, nine, eleven and fifteen of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law" by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

Which was committed to the Committee on Finance.

SENATE BILL NO. 900 RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 900, entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness

with information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

HOUSE CONCURS IN SENATE BILL NO. 221.

He also returned to the Senate, Senate Bill No. 221, entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 399.

He also returned to the Senate, Senate Bill No. 399, entitled·

An Act to amend sections two and fifteen of the Act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An act concerning arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements and; conferring certain powers and imposing certain duties upon the courts with reference thereto;" by prescribing the time for making application to stay proceeding pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 614.

He also returned to the Senate, Senate Bill No. 614 entitled:

An Act to add section four hundred and forty-nine to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the third class to appropriate money to County poor districts for hospital purposes

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 820.

He also returned to the Senate, Senate Bill No. 820, entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 876.

He also returned to the Senate, Senate Bill No. 876, entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9), entitled "An act relating to banks, trust companies, savings and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 890.

He also returned to the Senate, Senate Bill No. 890, entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended by exempting in certain cases the security required of depositories for school funds

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1234.

He also returned to the Senate, Senate Bill No. 1234, entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1235

He also returned to the Senate, Senate Bill No. 1235, entitled:

An Act to further amend section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turn-pikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the construction reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1246

He also returned to the Senate, Senate Bill No. 1246, entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto, and imposing no municipal liability, existing or created at the time of the original aquisition of such water-works, by the issue of refunding bonds secured solely by liens and imposing no municipal liability

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 609 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 609 entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO 2128

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 2128, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" as amended, by further providing for the powers and limitations upon the act of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1886

He also presented communicatiion from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1886, entitled:

An Act relating to criminal procedure; imposing upon magistrates, aldermen and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1683

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1683, entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "Uniform Firearms Act," by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2054

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2054, entitled:

An Act to amend section one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of ways of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State Highways.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2490

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2490, entitled:

An Act to amend clauses nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty eight), entitled "State Employes Retirement Law" opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annunities due, by the board in certain cases.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 181, entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" as amended, permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

House Bill No. 337, entitled:

An Act to amend section one hundred and forty-eight of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "Crimes Act of 1860," extending the provisions of said act to fixtures, hunting lodges, cabins, cottages and barns.

House Bill No. 1724, entitled:

An Act to amend section three of the act approved the second day of May, one thousand nine hundred and thirty-three (P. L. 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require pschiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," providing for appeals in such cases.

House Bill No. 1886, entitled:

An Act relating to criminal procedure; imposing upon magistrates, aldermen and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons.

House Bill No. 2128, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" as amended, by further providing for the powers and limitations upon the act of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

House Bill No. 2173, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 147, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 147, entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention, and its adoption or rejection by the people; providing for the nomination of delegates to the convention and for their election at a special election; and making an appropriation

and has appointed Messrs. RUTH, EBERHARTER and WOODSIDE as a committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two Houses in relation to said bill

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. OWLETT. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. HUNSICKER. Mr. President, I sceond the motion.

The motion was agreed to.

Ordered, That Messrs. OWLETT, EALY and HUFFMAN be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 343, entitled:

An Act to amend section thirty-eight of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," requiring more specific statements in the return of writs of summons.

Mr. THOMPSON (Westmoreland), from the Committee on Judiciary General, reported as amended, Senate Bill No. 1448 (House Bill No. 2586), entitled:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty), entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the permit of redemption to five years where land has been or is hereafter purchased by the county

Mr. BEAN, from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 639, entitled:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed.

Mr. ARON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1147, entitled:

An Act to amend sub-heading (a) of Article XXXII of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the collection of taxes by assumpsit.

Mr. BATCHELOR, from the Committee on Judiciary General, reported as committed, Senate Bill No. 253, (House Bill No. 434), entitled:

An Act validating adoptions in courts of record of the Commonwealth.

Mr. CLARK, from the Committee on Appropriations, reported as amended, Senate Bill No. 375, entitled:

An Act making an appropriation to the Christian H. Buhl Hospital, Sharon, Pennsylvania.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1328 (House Bill No. 1595), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1329 (House Bill No. 1896), entitled:

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 912 (House Bill No. 1588), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Also from the Committee on Appropriations reported as committed, as amended, Senate Bill No. 913 (House Bill No. 1589), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 914 (House Bill No. 1590), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 915 (House Bill No. 1592), entitled:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 916 (House Bill No. 1596), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 917 (House Bill No. 1597), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 918 (House Bill No. 1599), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 919 (House Bill No. 1606), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Also from the Committee on Appropriations reported as committed, as amended, Senate Bill No. 920 (House Bill No. 1607), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of costs incurred by that department in acting as purchasing agent for the Department of Highways.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 926 (House Bill No. 1879), entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1323 (House Bill No. 292), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1542, entitled·

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 962, entitled:

An Act making an appropriation to the Hospital of the University of Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 964, entitled:

An Act making an appropriation to the Graduate Hospital of the University of Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 156, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of land and the construction and equipment of an armory and headquarters for Troop C, One Hundred and Fourth Pennsylvania Cavalry.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 224, entitled:

An Act making an appropriation to the Mount Sinai Hospital, of Philadelphia, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 284, entitled:

An Act for the acquisition of property by the Commonwealth east of the Soldiers' and Sailors' Memorial Bridge in the City of Harrisburg, and making an appropriation.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 366, entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler, a fire prevention sprinkler system, a feed water pump, and certain repairs and improvements at The Dixmont Hospital, Dixmont, Allegheny County.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 732, entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 891, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1172, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education.

Mr. THOMPSON (Centre), from the Committee on Forests and Waters, reported as amended, Senate Bill No. 273, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption; providing protection of water supply, providing for the jurisdiction of courts and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

Mr. GELDER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1518, entitled:

An Act to amend section one of the act, approved the twenty-third day of April, one thousand nine hundred and nine (P. L. 159), entitled "An act prohibiting the buying, having, or receiving of stolen property, in the Commonwealth of Pennsylvania, and providing for the punishment thereof," by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken.

Also from the Committee on Judiciary General, reported as committed, Senate Bill No. 826 (House Bill No. 1278), entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

Mr. HARRIS, from the Committee on Labor and Industry, re-reported as amended, Senate Bill No. 52, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth, and providing for an appeal to the Court of Common Pleas of Dauphin County.

Mr. BUCKMAN, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 1483, entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws. three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring magistrates, justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

Mr. BAUMER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 827 (House Bill No. 1279), entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments.

Mr. RICE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 316 (House Bill No. 219), entitled:

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients.

Mr. CLARK, from the Committee on Elections, reported as amended, Senate Bill No. 1051 (House Bill No. 979), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 371, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 371, entitled:

An Act to amend an act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "Female Labor Law," as amended, by excepting from the provisions of the act domestic service in private [illegible] and further regulating the hours of labor.

and has appointed Messrs. HALUSKA, HOOPES and PETERS as a committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. HOWELL. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. HUNSICKER, HOWELL and RODGERS be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. REED (Dauphin) read in his place and presented to the Chair, Senate Bill No. 1580, entitled:

An Act to further amend section sixty-three of the act, approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755) entitled "An act relating to executions," by providing that the description of real estate contained in the latest recorded deed shall be a sufficient description.

Which was committed to the Committee on Judiciary General.

Mr. COYNE read in his place and presented to the Chair Senate Bill No. 1581, entitled:

An Act to enable county commissioners in counties of the second class to issue, sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

Which was committed to the Committee on County Government.

Mr. SORDONI read in his place and presented to the Chair, Senate Bill No. 1582, entitled:

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake in Luzerne County.

Which was committed to the Committee on Appropriations.

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 1583, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Revenue, to sell at public sale for the best price obtainable tracts of land acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields; and providing for the disposition of the purchase price received for said lands.

Which was committed to the Committee on Aeronautics.

Mr. McCLURE read in his place and presented to the Chair, Senate Bill No. 1584, entitled:

An Act authorizing the State Treasurer with the approval of the Governor to transfer money from the Motor License Fund to the General Fund; and providing for the subsequent transfer from the General Fund to the Motor License Fund at the discretion of the Governor of the transferred moneys; and making appropriations necessary to carry this act into effect.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair Senate Bill No. 1585, entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6) entitled "An act transferring money from the Liquid Fuels Tax to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair Senate Bill No. 1586, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7) entitled "An act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair Senate Bill No. 1587, entitled:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 8) entitled "An act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair Senate Bill No. 1588, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 7) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair Senate Bill No. 1589, entitled:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund, and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1590, entitled:

An Act to amend section two of the act approved the twelfth day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 5-A), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund, and providing for the subsequent return from the General Fund of the transferred money, by extending the time for the return of the transferred money.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1591, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 9-A), entitled "An act transferring money from the Liquor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1592, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 12-A), entitled "An act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred mony.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1593, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 11-A), entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred mony.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1594, entitled:

An Act to amend section two of the act, approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 10-A), entitled "An act transferring money from the Motor License Fund to the General Fund, and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Which was committed to the Committee on Finance.

Also read in his place and presented to the Chair, Senate Bill No. 1595, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 5), entitled "An act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Which was committed to the Committee on Finance.

Mr. HARRIS read in his place and presented to the Chair Senate Bill No. 1596, entitled:

An Act requiring the Department of Highways to construct certain highways and tunnels forming parts of State highways in cities of the second class; providing for the payment of damages for land taken in connection therewith; and authorizing such cities to pay the whole or any part of the amount of such damages.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1597, entitled:

An Act to amend a part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act," by changing a certain route in the city of Pittsburgh.

Which was committed to the Committee on Highways.

Mr. ROBERTS read in his place and presented to the Chair Senate Bill No. 1598, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred and thirty-five and such time as the funds provided by the General Appropriation Act become available.

Which was committed to the Committee on Appropriations.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 1599, entitled:

An Act providing for the purchase and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation.

Which was committed to the Committee on Education.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 1600, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred and six (P. L. 45) entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining same, and prescribing penalties for violations of this act," by further regulating the publication of statements issued by the State Treasurer from time to time concerning the moneys in the State Treasury.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. HUNSICKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUNSICKER from the Committee on Banking reported as amended, Senate Bill No. 896, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers, authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking; and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by providing for the creation of the Banking Board, the appointment of its members, the payment of its expenses, and defining its powers and duties.

TIME OF NEXT MEETING

Mr. GELDER offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 10, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILLS ON CONCURRING IN HOUSE AMENDMENTS—RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 425 (House Bill No. 775), entitled:

An Act relating to the furnishing sale delivery weighing and importation of unmanufactured horse manure making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendments having been printed as required by the Constitution, was twice read as follows: amend title, page 1, line 1 of title, by inserting after the word "the" the following: "furnishing"; amend title, page 1, line 1 of title, by inserting after the word "of" the following: "unmanufactured horse"; amend title, page 1, line 2 of title, by striking out the words "for mushroom growing"; amend Sec. 1, page 1, line 4, by inserting after the word "whenever" the following: "unmanufactured horse"; amend Sec. 1, page 1, line 4, by inserting after the word "is" the following: "furnished"; amend Sec. 1, page 1, line 5, by striking out the words "to be used in the growing of mushrooms"; amend Sec. 1, page 1, line 7, by inserting after the word "stable" the following: "together with the straw bedding"; amend Sec. 1, page 2, line 1, by inserting after the word "act" the following: "unmanufactured horse"; amend Sec. 1, page 2, line 5, by inserting after the word "is" the following: "intentionally"; amend Sec. 1, page 2, line 7, by inserting after the word "permitting" the following: "water or any other substance to flow or seep into, or otherwise become a part of"; amend Sec. 1, page 2, line 7, by inserting after the word "such" the following: "unmanufactured horse"; amend Sec. 1, page 2, line 8, by striking out the words "to stand" and inserting in lieu thereof: "while standing"; amend Sec. 1, page 2, lines 9 and 10, by striking out all of said lines; amend Sec. 2, page 2, line 12, by inserting after the word "to" where it first appears in said line, the following: "furnish"; amend Sec. 2, page 2, line 13, by striking out the words "to any grower of mushrooms"; amend Sec 2, page 2, line 14, by inserting after the word "any" the following: "unmanufactured horse"; amend Sec. 3, page 2, line 18, by striking out the words "fit for growing mushrooms" and inserting in lieu thereof: "unmanufactured horse manure"; amend Sec. 4, page 2, line 20, by inserting after the word "and" the following: "unmanufactured horse"; amend Sec. 4, page 2, line 25, by inserting after the word "any" the following: "unmanufactured horse"; amend Sec. 4, page 2, line 28, by inserting after the word "such" the following: "unmanufactured horse"; amend Sec. 5, page 3, line 3, by inserting after the word "any" the following: "unmanufactured horse"; amend Sec. 5, page 3, line 4, by striking out the words "for use in growing mushrooms" amend Sec. 7, page 3, line 16, by striking out the word "Secretary" and inserting in lieu thereof: "Department"; amend Sec. 7, page 3, line 17, by inserting after the word "act" the following: "and in connection therewith, the department, its employes or agents are authorized to enter any storehouse, warehouse, stable, railroad yard, railroad car, or any other building or place where unmanufactured horse manure is kept, stored, dealt in or transported for delivery within this Commonwealth"; amend Sec. 8, page 3, lines 21, 22 and 23, by striking out all of said lines; amend Sec. 9, page 3, line 24, by striking out the figure "9" and inserting in lieu thereof: "8"; amend Sec. 10, page 4, line 3, by striking out the firure "10" and inserting in lieu thereof: "9"; amend Sec. 11, page 4, line 5, by striking out the figure "11" and inserting in lieu thereof: "10"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 853 (House Bill No. 953), entitled:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows: amend page 1, line 9 of the title, by striking out after the word "are" and before the word "withdrawn" the word "refused."

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49.

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1278 (House Bill No. 2393), as follows:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" as amended by the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every creamery shipping station milk factory cheese factory ice cream factory or milk condensary or person receiving buying and paying for milk or cream regardless of the method of settlement shall be required to hold a permit for each and every place where milk or cream is received by weight or measure Provided however That nothing in this act shall apply to individuals buying milk or cream for private use or to producers buying milk in emergencies to make up their regular supply or to persons buying from dealers already holding a permit or to hotels restaurants boarding houses railroad dining cars retail stores or drug stores The permit shall be issued by the Secretary of Agriculture to such creamery shipping station milk factory cheese factory ice cream factory or milk condensary or person upon the payment of a fee of five dollars ($5.00) and after filing of such information and furnishing satisfactory evidence of good character of the applicant if he be an individual or of the members of the copartnership if the applicant be a copartnership or of the officers of the corporation or association if the applicant be a corporation or an association as may be required by the Secretary of Agriculture [All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act] The permit shall be valid for a term of one calendar year and may be revoked by the Secretary of Agriculture for any violation of the provisions of this act This permit issued hereunder shall be posted in plain view in the station for which it is issued

Section 2 That sections two and three of said act are hereby amended to read as follows

Section 2 It shall be unlawful for any person association copartnership or corporation their agents or servants engaged in the business of buying milk or cream on the basis of or in any manner with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample to under-read over-read or [otherwise fraudulently] erroneously manipulate the test commonly known as the "Babcock test" used for determining the percentage of such fat in said milk or cream or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees to one hundred forty-five degrees Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

Section 3 No person association copartnership or corporation purchasing milk or cream and paying for the same on the basis of the percentage of butterfat contained therein shall if the percentage of butterfat is ascertained by the said "Babcock test" use any test glassware except standard Babcock test glassware [which has] and weights which have been previously inspected and approved by [the Bureau of Standards of] the Department of Internal Affairs If the proportion of butterfat is determined by any method other than the "Babcock test" no utensil or instrument shall be used in such determination until the same has been inspected and approved by the Secretary of Agriculture or his agents

Section 3 That section four of said act as amended by the act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) is hereby further amended to read as follows

Section 4 Every person association copartnership corporation or agent or servant thereof engaged in the business of receiving or buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein or tests made for official inspection or public records as determined by the "Babcock test" shall have the test or tests made only by a licensed tester who shall be responsible for the same and who shall keep a proper record of all tests made and a copy of such record shall be kept for a period of two years by the owner or manager of the plant

For the purpose of this act a licensed tester is any person who having furnished satisfactory evidence of good character and having passed a satisfactory examination in milk and cream testing conducted by the Pennsylvania Department of Agriculture shall have received a certificate of proficiency from the said department Each applicant for examination for such certificate shall pay a fee of three dollars ($3.00) to the Secretary of Agriculture or his agents The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number The Secretary of Agriculture upon the receipt of this certificate of proficiency together with the payment of a fee of three dollars ($3.00) shall issue a license to said applicant good for one calendar year This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of a fee of three dollars ($3.00) [All moneys so collected shall be used to meet the expenses of the Department of Agriculture for the enforcement of this act] Each certified tester shall post his license in plain view in the testing room in which he is employed The Secretary of Agriculture shall revoke said license for failure to post it as above required or for any other just cause

Section 4 That section five of said act as amended by said act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred fifty-eight) and as corrected by the act approved the twenty-seventh day of March one thousand nine hundred and twenty-nine Pamphlet Laws eighty-three) is hereby further amended to read as follows

Section 5 Every person association copartnership or corporation engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount of butterfat contained therein or tests made for official inspection or public record shall have the samples taken for testing purposes either by a licensed tester or

by a person licensed or certified to weigh and sample milk and cream For the purpose of this act a person certified to weigh and sample milk or cream is any person who having furnishing satisfactory evidence of good character and having passed a satisfactory examination in weighing and sampling milk and cream conducted by the Department of Agriculture shall have received a certificate of proficiency from said department Each applicant for examination for such certificate shall pay a fee of one dollar and fifty cents ($1.50) to said department The said department shall issue such certificate of proficiency in the name of the approved applicant and under serial number The Secretary of Agriculture upon receipt of this certificate of proficiency together with the payment of a fee of three dollars ($3.00) shall issue a license to said applicant good for one calendar year This license shall be renewed annually without further examination at the discretion of the Secretary of Agriculture upon the payment of three dollars ($3.00) [All moneys so collected shall be used to meet the expenses of the Department of Agriculture in the enforcement of this act] Each licensed weigher and sampler shall post his or her license in plain view in the plant in which he or she is employed The Secretary of Agriculture may revoke said license for failure to post it as above mentioned or for any other just cause

Section 5 That sections six eight nine eleven and twelve of said act are hereby amended to read as follows

Section 6 Any person association coparternship corporation or agents or servants thereof engaged in the business of buying milk or cream on the basis of or in any way with reference to the amount or percentage of butterfat contained therein as determined by the "Babcock test" shall make such test at least once every sixteen days The milk or cream purchased from each person shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk or cream brought from said person and shall cover a period of not more than sixteen days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk or cream bought from each person concerned and composite samples of all persons concerned shall cover the same period of time Any person taking a sample or samples of milk or cream either from the aliquot part of each lot of milk sampled or from the composite lot of milk or cream sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk and cream are thoroughly mixed in each container before the sample is taken No weight tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an air-tight bottle such bottle being plainly labeled showing the name or number of the person whose milk or cream the composite sample represents—and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples The Secretary of Agriculture may require that the composite samples be tested on the premises where they are taken whenever in his judgmnt such action is for the public welfare After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten days in order to make possible a check test The Secretary of Agriculture or his agents is hereby authorized to make such tests whenever in his judgemnt such tests are advisable for the public welfare Every person firm or corporation affected by the provisions of this act shall within two days after the day on which the test herein provided for has been made notify the seller of such milk or cream or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten days in a conspicuous place in receiving stations or in writing delivered to the seller or his agent Where a daily test is made on milk or cream and the average of these several tests used as a basis of settlement there shall also be a composite sample taken covering a period of first and last half of month and shall be held intact on the premises for a period of not less than ten days in order that the Secretary of Agriculture or his agents may make check tests whenever in his judgment such tests are advisable for the public welfare.

Section 8 No person association copartnership or corporation purchasing or selling milk or cream or both by wegiht or measure or butterfat test and no agent or servant of any such person association copartnership or corporation shall [fraudulently] use as a basis of payment for such purchase any weight or measure or butterfat test other than the [true] approved method of ascertaining weight or measure or butterfat test of the milk or cream purchased or sold

Section 9 Every person association copartnership corporation or agent or servant purchasing or receiving milk or cream from the producer thereof for manufacturing purposes or for re-selling the same shall at each time of payment to such producer for such milk or cream or where the producer of such milk or cream is selling the same to such purchaser or received by or through co-operative association or other agency and the payment thereof is being made by such purchaser or receiver to such co-operative association or other agency shall at the time such purchaser or receiver makes each payment to such co-operative association or other agency give each such producer so delivering milk a statement showing the amount delivered daily during the time for which payment is made and the average per centum butterfat test of same provided payment is made on the basis of the butterfat content such statement to contain the name or number of the producer or seller of such milk or cream the date of delivery thereof and the amount so delivered such statement to be given in the terms of the unit used as a basis for determining the value thereof Provided however that such purchaser or receiver may in lieu of said monthly statement of weights give daily to such producer or to his agent at the time of delivery of such milk or cream to such purchaser or receiver a written statement of the amount of milk or cream so received or purchased

Section 11 The Secretary of Agriculture or his agents shall be charged with the enforcement of the provisions of this act and shall have authority to make such rules and regulations as are necessary for the proper enforcement of the provisions of this act

Section 12 For violation of any of the provisions of this act proceedings may be instituted against the owner or manager who is responsible for the business transacted together with the certified tester or the person weighing and sampling either or all to be held equally responsible

Section 6 That said act is hereby amended by adding thereto the following new section

Section 14A If any of the provisions of this act are declared unconstitutional or the applicability thereof to any person or circumstance is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby

Section 7 This act shall become effective on the first day of August one thousand nine hundred and thirty-five

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,

Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—1

Kahle,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1446 (House Bill No. 2488), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred eleven section one thousand twenty-two section one thousand three hundred two section one thousand three hundred eight section one thousand three hundred nine section one thousand three hundred ten and section one thousand five hundred five of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that section nine hundred six of that act as last amended by the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 511 Officers of Institutions Removal Compensation A Every institution may and every incorporated institution shall have a president a vice-president a secretary and a cashier or treasurer and may have such other officers as the institution may require but in the case of an incorporated institution such additional officers shall not be elected unless provided for in the by-laws Any two or more offices may be held by the same person except the offices of president and cashier or treasurer but in the case of an incorporated institution two offices shall not be held by one person unless specifically authorized by the by-laws

B The officers of an institution shall be selected at least annually In the case of an incorporated institution they shall be elected by the board of directors or the board of trustees unless the by-laws provide a different method The president shall be required to be a member of the board of directors or the board of trustees of the incorporated institution Unless the by-laws specifically provide otherwise the cashier or treasurer or any other officer may however be a member of the board of directors or of the board of trustees

C Unless specifically provided otherwise in the by-laws the board of directors or the board of trustees shall fix the compensation of all officers

D An officer elected or appointed by the board of directors or the board of trustees may be removed by such board whenever in its judgment the best interests of the incorporated institution will be served thereby but such removal shall be without prejudice to the contract rights if any of the person so removed

E Unless specifically provided otherwise in the by-laws the board of directors or the board of trustees shall have the power to fill any vacancies created by the death removal resignation or otherwise of any officer

F The officers shall have such authority and perform such duties as shall in the case of a private bank be given to them by the private banker or private bankers and in the case of an incorporated institution be specified in the articles or by-laws or by resolution of the board of directors or trustees

Section 906 Deposits With Other Corporations or Persons Authorized to Receive Deposits Reserve Agents A Except as otherwise specifically provided in this act any institution may deposit any of its funds in any other institution national banking association or any corporation or person authorized by law to receive deposits and if situated within the United States subject to the supervision of the banking authorities of the United States or the State in which such corporation or person transacts business but an incorporated institution shall not deposit any of its funds in such other institution national banking association or corporation or person unless it has been designated as a depository by a majority of all the members of the board of directors or of the board of trustees as the case may be of the depositing incorporated institution

B An institution shall not have on deposit at any one time with any other institution national banking association or other corporation or person an amount in excess of ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of the depositing institution if a bank [or] a bank and trust company or a trust company or an amount in excess of ten per centum of its unimpaired surplus if a savings bank or an amount in excess of ten per centum of its net worth if a private bank unless such other institution national banking association or other corporation or person has been duly approved for this purpose by the department

C A director of a bank a bank and trust company or a trust company or a trustees of a savings bank shall not have a vote in designating as a depository any institution national banking association or other corporation or person of which he is an officer or director or if the

proposed depository is a private bank of which he is one of the owners or if it is an incorporated institution a national banking association or any other corporation of which he owns five per centum or more of the shares of its capital

D A reserve agent of an institution for the purposes of this act shall be any institution national banking association or corporation or person designated as a depository of such institution in the manner provided by this act and approved by the department as a depository for any moneys of such institution which are part of the reserve fund against deposits and demand liabilities as defined herein which is required by this act to be established and maintained by such institution

Section 1022 Limitation Upon Power to Act as Surety A A bank a bank and trust company or a trust company shall not act as surety for the faithful performance of any trust office duty action or engagement or upon any writ of error or appeal or upon any other type of bond in any manner whatsoever but a bank a bank and trust company or a trust company shall have the power in the manner and under the circumstances provided by law to give its own bond upon any writ of error or appeal or in any proceeding instituted in any court of this Commonwealth if such bank bank and trust company or trust company is one of the parties to such proceeding or such writ of error or appeal and a bank and trust company or a trust company shall have the power whenever necessary to give its own bond for the faithful performance by it of its duties as trustee guardian executor administrator or other fiduciary and as surety for the faithful performance by any person who may be a cofiduciary acting with such bank and trust company or such trust company and a bank or a bank and trust company shall have the power to give its bond either alone or as surety for another in connection with any bona fide transaction involving the importation exportation or domestic shipment of goods or commodities

B This section shall not be construed to affect in any manner a bond given as surety or an obligation to act as surety legally entered into by a bank a bank and trust company or a trust company prior to the effective date of this act

Section 1302 Application to be Filed with Department Contents On or before the thirtieth day of December one thousand nine hundred thirty-three or in the case of any private bank which has by law heretofore been exempted from the provisions of this act then on or before the thirty-first day of December one thousand nine hundred thirty-five every private bank which plans to continue in business shall file with the department a written application for a certificate of authorization Such application shall be signed in duplicate originals and verified in the case of a private bank owned and operated by an individual by the oath or affirmation of such individual and in the case of a private bank owned and operated by a partnership or any other unincorporated association by the oath or affirmation of all the partners or members of the unincorporated association The application shall be in such form as is prescribed by the department and shall be filed upon blanks supplied by the department It shall set forth

(1) The full name resident post-office address and citizenship of such individual or of each member of such partnership or other unincorporated association as well as the names and post-office addresses of the officers or agents in active charge of the business of the private bank

(2) The statement that in the case of a private bank owned by an individual such individual is a resident of Pennsylvania and in the case of a private bank owned by a partnership or other unincorporated association at least [two] one of the partners or members [are residents] is a resident of Pennsylvania

(3) The name of the private bank

(4) The exact location of the place or places of business of the private bank

(5) In the case of a partnership or other unincorporated association the partnership or other agreement under which the business of the bank is being conducted or in the case of an unlimited partnership a certified extract thereof or if the partnership or other agreement does not contain provision therefor a statement setting forth the liability of each member of such unlimited partnership

(6) A detailed statement of the resources liabilities and net worth of the private bank as well as any other information bearing upon its financial condition which the department shall prescribe

Section 1308 Accumulation of Reserve Against Deposits The certificate of authorization provided for in this article shall not be granted to any private bank until it shall have a reserve fund for deposits and other demand liabilities to an amount equal to fifty per centum of that required by this act for all institutions provided that in the case of any private bank heretofore by law exempted from the provisions of this act the time limitation specified in this section shall be extended to the first day of June one thousand nine hundred thirty-six Within sixty days after the date of the issuance of the certificate of authorization such private bank shall have added at least twenty-five per centum to such reserve fund and by the first day of June one thousand nine hundred thirty-four it shall have the full reserve fund required by this act Thereafter the entire amount of such reserve fund shall be at all times maintained and kept on hand in the manner provided by this act for all institutions

Section 1309 Segregation of Assets Title to Be Carried in Name of Private Bank Loans to Owners or Members of Private Bank A All real or personal property and all evidence of title thereto which constitute the assets of a private bank shall be segregated and kept apart from the property and assets belonging to the owner or owners thereof in their individual capacities All such real or personal property owned by a private bank shall be carried in the name of such private bank or in the name of a nominee authorized by such private bank If such name is the same as that of the individual owner or in the case of a partnership or other unincorporated association any of the owners thereof all property of the private bank shall be carried in such name with the addition of the descriptive words "private bank" In such case all deeds mortgages assignments contracts and agreements received taken or entered into by any such private bank shall be received taken or entered into in the name of such private bank with the addition of the descriptive words "private bank"

B A private banker shall not appropriate to his own use any part of the deposits or moneys received for transmission by a private bank or in the case of a private bank which maintains a net worth of an established amount in lieu of furnishing a bond or securities to the department any moneys or assets which would reduce such net worth below the minimum required by this act Loans [which have prior to the effective date of this act been granted by a private bank directly or indirectly to the owner or owners thereof shall not be included as assets upon the books or other records or in any statement of the financial condition of such private bank] made by a private bank directly or indirectly to the owner or owners thereof or to any person with whom the owner or any of the owners of such private bank are associated as co-partners or co-members of any other unincorporated association or to any corporation of which the owner or all of the owners combined of such private bank are the legal or equitable owners to the amount of twenty-five per centum or more of the capital of such corporation and investments made in any business conducted by a partnership or other unincorporated association of which the owner or any of the owners of such private bank are partners or members shall not be included as assets upon the books or other records or in any statement of the financial condition of the private bank unless such loan is secured by collateral having an ascertained market value or by a mortgage upon real property which complies with the requirements of this act or unless such investment is represented by assets having an ascertained market value and then shall not be included as an asset upon its books or other records or in any statement of its financial condition to an amount in excess of the value of such collateral or mortgage or assets A private bank which maintains a net worth of an established amount in lieu of furnishing a bond or securities to the department shall not make any such loan or investment which

would reduce such net worth below the minimum required by this act

[For the purposes of this section a loan to a partnership or other unincorporated association of which the owner or owners of a private bank is a member or to a corporation of which such owner or owners individually or together own twenty-five per centum of the capital shall be construed to be a loan to such owner or owners]

[C A private bank shall not lend to any person with whom the owner or any of the owners of such private bank are associated as co-partners or as co-members of any other unincorporated association nor make any investment in any business conducted by a partnership or other unincorporated association of which the owner or any of the owners of such private bank are partners or members nor grant any loan directly or indirectly to any corporation of which the owner or all the owners combined of such private bank are the legal or equitable owners to the amount of twenty-five per centum or more of the capital of such corporation]

Section 1310 Powers of Private Banks Loans and Investments Restrictions A Except as otherwise specifically provided in this act [and except for the general corporate powers which are given by this act to a bank a private bank shall have all the powers which are by this act granted to a bank subject to the same restrictions and limitations as are imposed upon a bank by this act in so far as such restrictions and limitations are applicable A private bank shall have the power to make the same types of loans discounts and investments as are permitted to banks by this act subject to the same limitations and it shall not have power to make any other loans discounts and investments] a private bank shall be subject to the same restrictions and limitations as are imposed by this act upon a bank regarding the payment of interest on deposits the pledge of assets as security for deposits borrowing for the purpose of relending and total indebtedness loans to one corporation or person loans to officers or employes loans or discounts secured by shares or obligations of a corporation loans on and investments in bonds and mortgages and judgments of record the power to create mortgage pools for public participation the ownership or holding of real property bank buildings owned or leased and furniture and fixtures therein guaranteeing of mortgages and acting as surety Where any restriction or limitation is imposed upon the aggregate loans or investments which may be made by a bank or upon the amount of such loans or investments which may be made to or in the obligations of a single corporation or person or upon the cost of the real property and buildings occupied and the furniture and fixtures used for the transaction of business or where any other restriction or limitation is made based upon a percentage of the capital and surplus of a bank such percentage shall be computed in the case of a private bank upon its net worth No such percentage restriction or limitation shall apply to the issuing negotiating buying or underwriting of primarily for the purpose of resale or distribution or to the selling or distributing of or to the dealing in at wholesale or retail or through syndicate participation bonds debentures notes or other securities by any private bank which is registered as a dealer in securities under the laws of this Commonwealth and which has an unimpaired net worth of not less than one hundred thousand dollars

B This section shall not be construed to render unlawful the continued ownership or holding by a private bank of any investments loans or other real or personal property lawfully acquired prior to the effective date of this act However such loans and investments or such other real or personal property shall be computed in determining the power under this act of a private bank to grant any additional loans or make any additional investments of the same or different kinds

C The restrictions imposed by this act shall not be construed to prevent a private bank in order to protect itself from loss upon a loan or investment previously made lawfully and in good faith from acquiring ownership of or otherwise taking and holding any kind of property or security whether real or personal Except as otherwise provided by this act any property so acquired unless of the character and nature by this act authorized to be purchased or held by such private bank shall be sold by it within five years but the department may upon application of a private bank grant to it in writing the power to hold such property for a longer period

Section 1505 Prohibition Upon Unauthorized Banking Business A The only corporations or persons who shall be authorized to engage in the business of receiving moneys in this Commonwealth for deposit or for transmission or to establish in this Commonwealth a place of business for the purpose of receiving moneys for deposit or for transmission shall be banks bank and trust companies savings banks and private banks

B Any individual who either on his own behalf or as representative of any corporation or association shall engage in the business of receiving in this Commonwealth moneys for deposit or for transmission or shall establish a place of business for such purpose within this Commonwealth when such individual or such corporation or association is not authorized under the laws of this Commonwealth to engage in the business of receiving such moneys or to establish such place of business shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both The corporation which such individual represents or the members of the association which he represents shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five thousand dollars

C The provisions of this section shall not apply to a national banking association to a Federal Reserve Bank [or to private banks exempted by this act] or to their representatives or to clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving money in this Commonwealth for deposit or for transmission but receive and transmit such moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

Section 2 This act shall become effective immediately upon final enactment

Section 3 Section one thousand three hundred thirteen section one thousand three hundred fourteen section one thousand three hundred fifteen and section one thousand three hundred sixteen of said act are hereby repealed

Section 4 All other acts and parts of acts inconsistent herewith are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed, (Dauphin)	(Centre)
Clark,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Mallery,	Rice,	Trainer,
Ealy,	McClure,	Roberts,	Woodward,
Frey,	McGinnis,		Ziesenheim,
Gelder,	McCreesh,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. BUCKMAN. Mr. President, I second the motion

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in place and presented to the Chair Senate Bill No. 1601, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof, allowing a discount where such taxes are paid on or before a certain date; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Which was committed to the Committee on Finance.

Also read in place and presented to the Chair Senate Bill No. 1602, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof; allowing various discounts where such taxes are paid on or before certain dates; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Which was committed to the Committee on Finance.

REPORTS FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, amended, Senate Bill No. 1598, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available.

Also from the Committee on Appropriations re-reported as amended, Senate Bill No. 646 (House Bill No. 666), entitled:

An Act appropriating the moneys in the State Forests and Waters Fund.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, as follows:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school service prior to the establishment of the retirement system

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the fifteenth day of May one thousand nine hundred and twenty-nine (P. L. 1759) is hereby further amended to read as follows

Superannuation Retirement

Section 14 Retirement for superannuation shall be as follows

(1) Any contributor who is an employe sixty-two years of age or older may retire for superannuation by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the execution of said application he or she desires to be retired Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

(2) Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

Allowance on Superannuation Retirement

(3) On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) A teacher's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service prior to the age of sixty-two years and

(c) In addition thereto if a present employe a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section ten of this act

(4) Any person sixty-two years of age or older who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen or any person who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least fifteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nine-

teen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eightieth of his or her final salary or each year of school service but not less than twenty dollars ($20) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interests of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman	Hunsicker	Rankin	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 90, entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman	Hunsicker	Rankin	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 116 on third reading, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 117 on third reading, entitled:

An Act to re-enact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 255, entitled:

An Act to amend rule thirty-two of article twenty-five of the act approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by prohibiting the use and possession of matches, pipes and smokers' articles in certain mines.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier
Cavalcante.	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 264 (House Bill No. 329), entitled:

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante.	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,	Rodgers,	

NAYS—3

Chapman,	Miller,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 456, as follows:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyance of such property" extending provisions of said act to devisees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyance of such property" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the county commissioners of any county have heretofore or shall hereafter purchase any real property at any county treasurers' sale for nonpayment of taxes under any act of Assembly authorizing such sale and such property has not been redeemed or sold by the county as authorized by law the county commissioners subject to the approval of the court of common pleas may whether or not the period of redemption has expired agree with the former owner of such property or his heirs devisees or anyone or more of them to accept in compromsie of the amount of the taxes penalties interest and costs due any sum less than the whole of such amount so due whereupon either the county commissioners or the person with whom such agreement is made may petition the court of common pleas for confirmation of such agreement

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsner,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante.	Kahle,	Rankin,	Thompson
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2053

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 2053, Printer's No. 655, entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2203

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No 2203, Printer's No. 773, entitled:

An Act to amend section fifteen of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-seven (P. L. 273), entitled "Securities Act," requiring dealers in securities to make reports of their financial condition

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2485

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 2485, Printer's No. 1301, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2050

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 2050, Printer's No. 636, entitled:

An Act to amend the Act entitled "An act to amend the Act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth; and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said Act to highways in cities," as amended

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2380

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 2380, Printer's No. 774, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1286

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 1286, Printer's No. 1282, entitled:

An Act to amend sections ten, twelve and fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the compensation and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 89

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 89, Printer's No. 40, entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE BOARD OF FISH COMMISSIONERS

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Milton L. Peek, of Ithan, Delaware County, as a member of the Board of Fish Commissioners, vice George E Gilchrist, removed from office, for the term of six years

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Leon F. Hawthorne, of South Waverly, Bradford County, as Justice of the Peace in the Borough of South Waverly, Bradford County, vice Percy E. Minnick, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CHESTER

Miss Margaret V. O'Connell, Phoenixville.

CUMBERLAND

Ira C. Mellinger, Enola.

DAUPHIN

Miss Mary Alma Allin, Harrisburg.
Mrs. K. W. Hocker, Progress.

DELAWARE

James M. Dunn, Upper Darby.
Miss Caroline J. Moore, Chester.
Mrs. E. T. Scally, Upper Darby.
David J. Vint, Rutledge.

LACKAWANNA

George H. Carpenter, Scranton.

LYCOMING

Miss Edna M. Breese, Williamsport.

PHILADELPHIA

Philip Caplan, 123 S. Broad St., Phila.
W. E. Davis, Jr., Wayne and Windrim Ave., Phila.
Miss Reba Kancher, 214 S. 12th St., Phila.
J. D. Lodge, Packard Bldg., Phila.
Mrs. Margaret Lyle, 804 S. 12th St., Phila.
Edward McCormick, Jr., 405 Morris Bldg., Phila.
Miss Dorothy Marple, Franklin Trust Bldg., Phila.
Aaron Rabinowitch, 4702 N. 5th St., Phila.
Harold T. Zuecca, 1165 S. Broad St., Phila.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 73

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 73, Printer's No. 281, entitled, "An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712

June 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives, recalling from the Governor

Senate Bill No. 712, Printer's No. 482, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which Senate Bill No. 712 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye."

Mr. FRY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FRY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye."

Mr. FRY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FRY. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McGINNIS. Mr. President, I ask unanimous consent to amend title, page 1, line 13 of title, by inserting after the word "registered" the following: "and preserving the rights of certain other corporations"; also section 1, page 2, line 27, by inserting after the word "operation" the following: "Provided, however, that the provision of this act shall not be construed to affect the rights, existing prior to the effective date hereof, of any corporation heretofore incorporated under the laws of this Commonwealth, or incorporated under the laws of any other State and heretofore authorized to conduct business within this Commonwealth."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

JUSTICE OF THE PEACE

April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Louis W. Adams, of 159 McCoy Road, McKees Rocks, Allegheny County, as Justice of the Peace in the Township of Stowe, Allegheny County, vice Tony Savatt, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment:

W. J. Whalen, Jr., of Burgettstown, Washington County, as Justice of the Peace in the Borough of Burgettstown, Washington County, vice W. P. Friday, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointment:

Merrill R. McEntire, of Reynoldsville, Jefferson County, as Justice of the Peace in the Borough of Reynoldsville, Jefferson County, vice Perry B. Love, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziegenheim,
Graff,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Finance reported as committed, Senate Bill No. 1584, entitled:

An Act authorizing the State Treasurer with the approval of the Governor to transfer money from the Motor License Fund to the General Fund; and providing for the subsequent transfer from the General Fund to the Motor License Fund at the discretion of the Governor of the transferred moneys; and making appropriations necessary to carry this act into effect.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1585, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6), entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1586, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7), entitled "An act transferring money from the Liquid License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1587, entitled:

An Act to amend section three of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 8), entitled "An act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1588, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1589, entitled:

An Act to amend section two of the act approved the eleventh day of March, one thousand nine hundred and thirty-five (App. Acts, Act No. 1-A), entitled "An act transferring money from the Motor License Fund to the General Fund, and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1590, entitled:

An Act to amend section two of the act approved the twelfth day of March, one thousand nine hundred and thirty-five (App. Acts, Act No. 5-A), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money," by extending the time for return of the transferred money.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1591, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 9-A), entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1592, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 12-A), entitled "An act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money." by extending the time for the return of the transferred money.

Also from the Committee on Finance, reported as committed, Senate Bill No. 1593, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 11-A), entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Also from the Committee on Finance reported as committed, amended, Senate Bill No. 1594, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 10-A), entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Also from the Committee on Finance reported as committed, Senate Bill No. 1595, entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P .L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund: and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Finance, reported as committed, Senate Bill No. 1601, entitled:

An Act authorizing the payment of certain state taxes in advance of the due date thereof; allowing a discount where such taxes are paid on or before a certain date; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Also from the Committee on Finance reported as committed, Senate Bill No. 1602, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof; allowing various discounts where such taxes are paid on or before certain dates; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreebaly to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 514 (House Bill No. 540), entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County.

And said bill having been read at length the third time, and agreed to,

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsner,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

CONSIDERATION OF HOUSE BILLS ON THIRD READING DEFERRED

Mr. BUCKMAN. Mr. President, I move that the further reading of House bills on third reading on tonight's calendar be deferred until tomorrow, and that the Senate do now proceed with Senate bills only on third reading calendar.

Mr. BENNETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 889, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1101 Section 1102 Section 1106 and Section 1108 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1101 Power of Bank to Become Bank and Trust Company Acquisition of Fiduciary Powers A bank which has an aggregate unimpaired capital and [an] unimpaired surplus at least equal to the aggregate capital and surplus required by this act for the incorporation of banks and trust company provided that its unimpaired capital is at least equal to the capital required by this act for the incorporation of a bank and trust company may by amending its articles of incorporation in the manner provided by this act acquire the additional power of and thereby become a bank and trust company Such bank upon becoming a bank and trust company shall include in or add to its corporate name the words "and trust company" in accordance with the provisions of this act but the amendment to the articles of incorporation of a bank by virtue of which such bank is to become a bank and trust company shall be approved by two-thirds of all the shareholders of such bank

Section 1102 Powers of Bank and Trust Companies or trust companies In addition to the general corporate powers granted by this act and in addition to any power specifically granted to a bank and trust company or a trust company elsewhere in this act a bank and trust company or a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To act as fiduciary and pursuant thereto to receive and dispose of real or personal property

(2) To act as agent or attorney in fact

(3) To act as transfer or fiscal agent and registrar of shares bonds or other obligations

(4) To [poll] pool mortgages or securities for the investment of funds held by it as fiduciary

(5) In case of certain existent bank and trust companies or trust companies to insure owners mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances

Section 1106 Capital of Bank and Trust Company or Trust Company in Lieu of Bond A Bank and trust company or a trust company acting as a fiduciary shall not be required to execute the bond or put up the security required by law of fiduciaries but its capital shall be

considered as the security required by law for the faithful performance of its duties The capital of such bank and trust company or such trust company shall be absolutely liable in case of any default whatsoever

Section 1108 Segregation and Designation of Trust Funds Deposit of Uninvested Funds A bank and trust company or a trust company shall keep all funds property or investments held by it in a fiduciary capacity separate and apart from the assets of such bank and trust company or trust company All investments made by a bank and trust company or a trust company as fiduciary including fractional interests in investments may be held in the name of such bank and trust company or trust company or in the name of a nominee of such bank and trust company or trust company but all such investments shall be so designated upon the records of such bank and trust company or trust company that the estate to which such investments belong shall be [apparent] clearly shown upon such records at all times [but such] Such bank and trust company or such trust company may however clear receipts and payments of such funds in the regular course of business in the same manner as other funds held by it Funds held by a bank and trust company or a trust company as fiduciary awaiting investment or distribution may be deposited in any other institution in any national banking association or with any corporation or person in any other state which is authorized to receive deposits and is subject to the full supervision of the banking authorities of such other state or in the case of a bank and trust company may be used by it in the conduct of its business If such funds held by a bank and trust company as fiduciary are used by such bank and trust company in the conduct of its business there shall be pledged or hypothecated by such bank and trust company with the trust department of the bank and trust company acting as fiduciary interest bearing bonds or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged or of the Commonwealth of Pennsylvania or such other securities as may be approved by the department The par value of the bonds other obligations or securities so pledged or hypothecated to secure such funds or the market value if such market value is less than the par value shall at all times be equal to an amount not less than the funds so used or deposited provided that security for such funds shall not be required to the extent that such funds are insured under the provisions of Section 12B of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements If the bank and trust company which has put up such collateral should fail or be taken in possession by the department the estate from which the funds were taken shall have a lien for the amount of such funds on the bonds other obligations or securities so pledged or hypothecated in addition to their claim against the estate of such bank and trust company

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 899, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers; and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 952, entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789) entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to amend Sec. 1, page 3, line 5, by inserting after the word "risks" the following: "and upon risks"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1024, on third reading, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take trout from licensed propagating ponds used for commercial purposes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1029, entitled:

An Act to amend section 410 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies Lloyds, associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provision which grant additional insurance specifically against death by accident, and further to amend the provisions relating to participation in surplus

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1033, entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL DROPPED FROM CALENDAR

Mr. LAW. Mr. President, I move that Senate Bill No. 1033, the bill just read, be dropped from the Calendar.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1035, entitled:

An Act to amend the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," so that a new section, to be known as section four hundred and ten B (410B) is added, providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to amend Section 410B, page 2, line 23, after the word "company," by inserting "except policies of industrial insurance where the premiums are payable monthly or oftener."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1139, entitled:

An Act to amend section four hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by changing the term of the township assessor

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

BILL DROPPED FROM CALENDAR

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1139, the bill just read, be dropped from the Calendar.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1315, on third reading, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act aproved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. HOWELL. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 1439, (House Bill No. 2249), on third reading, postponed for the present, entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Salus,
Bennett,	Howell,	Prince,	Shapiro,
Buckman,	Huffman,	Pytko,	Sones,
Cavalcante	Hunsicker,	Rankin,	Sordoni,
Chapman,	Kahle,	Reed,	Staudenmeier,
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 217 (House Bill No. 339), entitled:

An Act to repeal the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-six) entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations companies associations and individuals prescribing the powers of such police authorizing the Governor to investigate their work and require periodical reports from them imposing duties upon the Secretary of the Commonwealth and recorders of deeds and imposing penalties."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 562, as follows:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs town and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescrbiing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" is hereby amended to read as follows

An Act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States to finance certain projects and prescribing the manner of such borrowing

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county city borough town or townships is hereby empowered to borrow money from the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States for the purpose of financing any project non-competitive with existing revenue producing projects which is self-liquidating in character or needful and economically sound or needful and in the public interests and to issue or sell with or without soliciting or obtaining bids therefor to the Federal Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States its bonds or other obligations Such loans shall be made on such terms and conditions and at such interest or discount or rediscount rates as the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States may prescribe and approve Provided That no such bonds or other obligations shall be issued or sold for less than par

Section 2 Except as herein otherwise expressly provided such bonds or other obligations shall be issued in the manner prescribed by and subject to the provisions of the Constitution and laws of this Commonwealth providing for the incurring and increasing of municipal indebtedness

Section 3 This [act] amendment shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 578, as follows:

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one of article eight is hereby amended to read as follows

Section 1 Qualifications of Electors Every male citizen twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact

(1) He shall have been a citizen of the United States at least one month

(2) He shall have resided in the State one year (or having previously been a qualified elector or native born citizen of the State he shall have removed therefrom and returned then six months immediately preceding the election

(3) He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election

(4) If twenty-one years of age and upwards he shall have paid within two years a county municipal or school tax which shall have been assessed at least two months and paid at least one month before the election

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 624, as follows:

An Act to prohibit the Commonwealth from purchasing automobile accessories by contract or otherwise from certain manufacturers and from dealers representing certain manufacturers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general Assembly met and it is hereby enacted by the authority of the same That no administrative department board or commission of the Commonwealth shall directly purchase from or receive any bid from or let any contract directly to any manufacturer of automobile accessories for the furnishing of automobile accessories unless such manufacturer has his or its principal place of business in this Commonwealth Provided however That nothing herein contained shall be construed to prevent the receipt of bids from dealers or purchasers of automobile accessories from dealers representing non-resident manufacturers of automobile accessories unless such accessories are manufactured in some other state which by law prohibits the purchase for its use of supplies equipment or materials not manufactured in such other state If any bid is received contrary to this act such bid shall be forthwith rejected

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 793 (House Bill No. 1088), entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred four) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 949, as follows:

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the three hundredth Anniversary of the establishment of the first permanent white settlement the first capital and the first courts of law within the confines of Pennsylvania

Whereas The year one thousand nine hundred thirty-eight will mark the three hundredth Anniversary (first) of the Establishment of the first permanent white settlement within the confines of this Commonwealth by the Swedes and (second) Of the establishment of the first capital of a stable government within the boundaries of this Commonwealth and (third) of the establishment of the first courts of law within what is now the Commonwealth of Pennsylvania and

Whereas The Pennsylvania State Federation of Historical Societies has by resolution taken steps to signalize this Major important historical anniversary and has requested this General Assembly to sponsor the same therefore be it

Section 1 Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met that the Governor shall appoint five suitable persons to constitute the Swedish Tercentenary Commission of Pennsylvania whose duty it shall be to investigate the propriety of holding a celebration sometime during the year one thousand nine hundred and thirty-eight to mark the three hundredth anniversary

(1) Of the establishment of the first permanent white settlement within the confines of this Commonwealth by the Swedes and

(2) Of the establishment of the first capital of a stable government within the boundaries of this Commonwealth and

(3) Of the establishment of the first courts of law within what is now the Commonwealth of Pennsylvania

Section 2 The said Commission shall decide upon the place or places for the holding of such celebration and define the scope and magnitude and make a report thereon to the next session of the Legislature in which report it shall include such recommendations as it may deem advisable or essential in the preparation and carrying out of a fitting and adequate plan for such celebration and recommend what appropriation should be made for such purpose

Section 3 That the Committee created by this resolution shall appoint from its numbers a chairman and a vice-chairman and may elect a secretary and fix his compensation The members of the Committee shall receive no compensation for their services but shall be reimbursed for their actual expenses

Section 4 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of carrying out the work of said Commission Payments shall be made by the State Treasurer out of said appropriation on warrant of the Auditor General on requisition of the Chairman of said Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 972 (House Bill No. 183), entitled:

An Act proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1032, as follows:

An . . . to amend section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five hundred and two of Article V of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissoluton of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 502 Applications to Court to Take Over Business of Companies Et Cetera for Protection of Policyholders Creditors Et Cetera Whenever any domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order including all corporations associations societies and orders which are subject to examination by the Insurance Commissioner or which are doing or attempting to do or representing that they are doing the business of insurance in this Commonwealth or which are in process of organization intending to do such business therein (a) is insolvent or (b) has refused to submit its books papers accounts or affairs to the reasonable inspection of the Insurance Commissioner or his deputy or examiner or (c) has neglected or refused to observe an order of the Insurance Commissioner to make good within the time prescribed by law any deficiency whenever its capital if it be a stock company or its reserve if it be a mutual company an association exchange title insurance company fraternal benefit society or beneficial society or order shall have become impaired or (d) has by contract or reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company association exchange title insurance company fraternal benefit society or beneficial society or order without having first obtained the written approval of the Insurance Commissioner or (e) is found after an examination to be in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public or (f) has wilfully violated its charter or any law of the Commonwealth or (g) whenever any officer thereof has refused to be examined under oath touching its affairs or (h) was incorporated organized or is operating without authority of law the Insurance Commissioner shall communicate the facts to the Attorney General who shall after hearing apply to the court of common pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange title insurance company fraternal benefit society or beneficial society or order is located for an order directing such company association exchange title insurance company fraternal benefit society or beneficial society or order to show cause why its business should not be closed and the Insurance Commissioner should not take possession of its property and conduct its business and for such other relief as the nature of the case and the interest of its policyholders creditors stockholders or the public may require

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1072 (House Bill No. 1725), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1182 (House Bill No. 1035), entitled:

An Act to amend sections four, seven and nine of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," clarifying certain service requirements of eligibility for compensation, stipulating the time within which applications shall be made, and rendering certain additional classes eligible to receive compensation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1200 (House Bill No. 2547), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Ad-

jutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1206 (House Bill No. 1692), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1210 (House Bill No. 2064), entitled:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1211 (House Bill No. 2066), entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1217 (House Bill No. 2293), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1290, on second reading, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1311 (House Bill No. 2139), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That Section 806 Section 808 Section 1404 and Section 1406 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State department commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended are hereby amended to read as follows and that Section 204 of that act as last amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C Any institution may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution [in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act] may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the Department (1) establish a branch bank branch office agency sub-office sub-agency or branch place of business within the corporate limit of the city, or borough in which the principal place of business is located and may (2) establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to a plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand not more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

If the Department shall approve the application of a private bank to establish a branch bank branch office agency sub-office sub-agency or branch place of business any person aggrieved by the action of the Department shall have the same right of appeal as is by this act provided in the case of the Department's approval of Article of Amendment to provide for the establishment by an incorporated institution of a branch bank branch office agency sub-office sub-agency or branch place of business

E An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this act if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same

institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 806 Advertisement [The] A Except as herein otherwise provided the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [and].

B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(5) The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation

B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or community in which the principal place of business of the incorporated institution is located within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking

Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

Section 1404 Advertisement [The] A Except as herein otherwise provided the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [and].

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file artcles of merger or articles of consolidation as the case may be with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or articles of consolidation with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6) The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or community in which the principal place of business of the incorporated institution is located within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail

of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger or the articles of consolidation it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merger or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

On the question,

Will the Senate agree to the section?

Mr. SORDONI. Mr. President, I move to amend section 1, page 7, line 18 by striking out at the beginning of the line before the word "is" the word "originally"; amend section 1, page 7, line 21 by striking out after the word "to" and before the word "plan" the word "a"; amend section 1, page 7, line 21 by inserting after the second word "a" and before the word "plan" the word "the"; amend section 1, page 9 by striking out lines 10 to 18 inclusive; amend section 1, page 9, line 22 by striking out after the word "this" and before the word "if" the word "act"; amend section 1, page 9, line 22 by inserting after the word "act" and before the word "if" the word "section"; amend section 1, page 7, line 8 by inserting after the word "city" and before the word "or" the following: "of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city"; amend section 1, page 7, line 9 by inserting after the word "located" and before the word "and" the following: "and in which the institution was authorized by law to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch pllace of business on the first day of January, one thousand nine hundred and thirty-five"; amend section 1, page 16, line 8 by inserting after the word "city" at the end of the line the following: "of the first class or the second class in which the principal place of business of the institution is located or the city or"; amend section 1, page 16, line 9 by striking out after the word "borough" and before the word "in" the following: "or community"; amend section 1, page 16, line 10 by inserting after the word "located" and before the word "within" the following: "and in which the institution was authorized by law to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business on the first day of January, one thousand nine hundred and thirty-five"; amend section 1, page 24, line 4 by inserting after the word "city" at the end of the line the following: "of the first class or the second class in which the principal place of business of the institution is located or the city or"; amend section 1, page 24, line 5 by striking out after the word "borough" and before the word "in" the following: "or community"; amend section 1, page 24, line 6 by inserting after the word "located" and before the word "within" the following: "and in which the institution was authorized by law to establish a branch bank, branch office, agency, sub-office, sub-agency, or branch place of business on the first day of January, one thousand nine hundred and thirty-five".

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 Effective Date This act shall become effective immediately upon final enactment.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting, the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1357, as follows:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" is hereby amended to read as follows

Section 8 The major general commanding the division Pennsylvania National Guard shall have in time of peace so far as practicable all the power and authority of a major general of a tactical division under the rules and regulations prescribed or hereafter to be prescribed for the government of the armies of the United States subject to the orders and direction of the Governor as Commander-in-Chief He shall be responsible to the Governor for the training instruction discipline administration and

efficiency of all troops of the Pennsylvania National Guard and shall cause such inspections and reports to be made as are required by this act He may with the consent of the Governor employ such [officers] clerical and other force and place on active duty such commissioned officers of the active Pennsylvania National Guard as may be required at his headquarters Such commissioned officers on active duty under competent order or authority shall receive from the Adjutant General the pay and allowances of officers of the same grade in the United States Army provided that such officers are performing duties appropriate to their grade branch of service and assignment such clerical and other force shall be paid by the Adjutant General at rates of compensation as may be deemed by the Commander-in-Chief just and proper

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1360 (House Bill No. 1972) as follows:

An Act fixing the salary of the district attorney in counties of the seventh class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the annual minimum salary of the district attorney in counties of the seventh class shall be as follows In counties of the seventh class having a population of twenty thousand inhabitants and more but less than thirty thousand seven hundred and fifty dollars ($750) and in counties of the seventh class having a population of thirty thousand and more one thousand two hundred dollars to be paid by the county

Section 2 The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred seventeen) entitled "An act regulating the salaries of district attorneys in counties of the seventh and eighth classes" is hereby repealed in so far as it applies to counties of the seventh class

All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1367 (House Bill No. 1605), entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1399, as follows:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933 and 1934) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" limiting payments to widows under the act who lived with and were dependent on the veteran at the time of his death except under certain circumstances and providing for the establishment of presumption of death in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 and 1933 and 1934) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" is hereby amended to read as follows

Section 9 Whenever prior to the date of distribution of compensation under the provisions of this act a veteran entitled thereto shall have died is legally presumed dead or becomes mentally incapable of receiving his or her compensation payment shall be made by the Adjutant General

(a) In case of mental incapacity to the guardian or committee if any of the veterans or if there be no guardiandian or committee then to the person with whom the veteran lives

(b) In the case of death to the executor or administrator of the veteran's estate if an executor or administrator was appointed and the estate has not been settled

(c) In the case of death if the veteran's estate has been settled or if an executor or administrator was not appointed and is not necessary for the administration of any other property to the following persons in the order named Surviving unremarried widow if such widow was living with the veteran at the time of his death or if not so living with the veteran at the time of his death if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or at any time thereafter and before the fourth day of January one thousand nine hundred and thirty-four or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father

(d) A veteran shall be presumed to be legally dead for the purposes of this act without proceedings in this Commonwealth if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any Federal act for the paymnt of adjusted compensation

Section 2 The provisions of this amendment shall not apply to cases determined and settled by the Adjutant General prior to the effective date of this act

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1422 (House Bill No. 2661) on second reading, entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax for a limited period of time clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1438 (House Bill No. 2210), entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith

And said bill having been read the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1449 (House Bill No. 2653), entitled:

An Act granting permission to the Borough of Camp Hill, Pennsylvania and the Borough of New Cumberland, Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township, Cumberland County, Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1458, as follows:

An Act to amend sections six and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by requiring reports of distributors to show the county within which liquid fuels are used or delivered and changing the method of apportioning the counties' share of such tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended by read as follows

Section 6 Distributor's Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every distributor on or before the last day of each month to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of the liquid fuels used or delivered by him within this Commonwealth during the preceding month Such report shall show the number of gallons of liquid fuels used or delivered within each county of this Commonwealth and the total used or delivered within the Commonwealth during the period for which it is made and such further information as the department shall prescribe A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of liquid fuels at all such separate places of business

Every distributor at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on liquid fuels used or sold and delivered by him during the preceding month less a two per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act for each month shall be due and payable on the last day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid

If any distributor shall neglect or refuse to make any report and payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided and in addition thereto the liquid fuels permit of such distributor may be suspended or revoked by the department

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the tax collected under the provisions of this act shall be paid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided

shall be paid to the respective counties of this Commonwealth wherein the liquid fuels upon which such tax was paid was used or delivered on the first day of June and December of each year [in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years] Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of [August one thousand nine hundred and thirty-one] December one thousand nine hundred and thirty-six or at any time prior thereto shall be made [under the provisions of the acts of Assembly repealed by this act] as heretofore

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withhold further payments to the county out of the Liquid Fuels tax fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

And said bill having been read at length the second and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1475 (House Bill No. 1914), entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

And said bill having been read at length the second and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1476 (House Bill No. 1973), entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

And said bill having been read at length the second and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1481, as follows:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Treasury Department as of the first day of June one thousand nine hundred and thirty-five and on the first day of June of each year thereafter shall take credit on its books and calculate as cash to the credit of the proper funds all amounts held in State Depositories or otherwise for the payment of checks which on said dates had been issued for a period of two years or more and which had not been presented for payment

Upon the presentation for payment of any check to the Treasury Department which is more than two years and not more than seven years old the Treasury Department shall requisition and issue a replacement check to the person entitled thereto which shall be paid from the proper appropriation item of any appropriation made to the Treasury Department for such purposes

Section 2 No replacement check shall hereafter be issued for the payment of any claim where the original check has not been presented to the Treasury Department for payment within a period of seven years from the date of issue and all claims against the Commonwealth for which checks have been outstanding for this period shall be considered paid The period of seven years is hereby declared to be the longest period of time during which a check issued by the Treasury Department may be honored and all sums of money held or appropriated for the payment of such checks not presented within said period are hereby escheated to the Commonwealth

Section 3 The following sums of money are hereby appropriated to the Treasury Department for the payment of replacement checks issued by the Treasury Department under the provisions of this act

(A)	Out of the General Fund	$5,000.00
(B)	" " " Motor License Fund	3,000.00
(C)	" " " Federal Unemployment Relief Fund	500.00
(D)	" " " Fire Insurance Tax Fund ..	2,000.00
(E)	" " " Fish Fund	90.60

(F)	" " " Game Fund	200.00
(G)	" " " Manufacturing Fund	100.00
(H)	" " " School Employes' Retirement Fund	1,000.00
(I)	" " " State Farm Products Show Fund	22.75
(J)	" " " State Employes' Retirement Fund	1,000.00
(K)	" " " State Work Relief Compensation Fund	36.20
(L)	" " " State Workmen's Insurance Fund	5,000.00

Section 4 The sum of one thousand dollars ($1,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the Treasury Department for the purpose of balancing the accounts of said Department to June first one thousand nine hundred and thirty-one and to enable said Department to make adjustment for duplicate payments or other errors running over a period of years which can not at this date be reconciled

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1484, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon board having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and requiring the Commonwealth to contribute on the same basis in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause seventeen of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and thirty-eight) is hereby further amended to read as follows

Seventeen "Final salary" shall mean the average annual salary earnable by a contributor as an employe for the ten years of service immediately preceding retirement except in the case of contributors who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year in which case such salary shall be included in the computation of "final salary" for the number of years that contributions have been made on the basis of such salary

Section 2 Clause five of section seven of said act as amended by section two of the act approved the seventeenth day of April one thousand nine hundred and twenty-five (Pamphlet Laws one hundred sixty-two) is hereby further amended to read as follows

Five Each employer shall cause to be educated on each pay-roll period subsequent to June thirtieth nineteen hundred [nineteen] thirty-five such per centum [of the total amount of salary earnable by the contributor in such payroll period] as shall be certified to said employer by the retirement board as proper in accordance with the provisions of this act The percentage so deducted shall be computed either (1) on the total amount of salary earnable by the contributor in the pay-roll period for which the deductions are made or (2) in the case of contributors who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three if such contributors so elect on the total amount of salary which was earnable by such contributor during such year Each such contributor shall notify in writing his employer on or before September first one thousand nine hundred and thirty-five upon which salary he or she elects to contribute

In determining the amount earnable by a contributor in a pay-roll period the retirement board may consider the rate of salary payable to such contributor on the first day of each regular pay-roll period as continuing throughout such pay-roll period and it may omit salary deductions for any period less than a full pay-roll period in cases where the employe was not a contributor on the first day of the regular pay-roll period and to facilitate the making of the deductions it may modify the deduction required of any contributor by such amount as shall not exceed one-tenth of one per centum of the salary upon the basis of which the deduction is to be made The deductions provided herein shall be made notwithstanding that minimum salaries provided for by the laws ordinances resolutions or other acts of the Commonwealth or of any other employer shall be reduced thereby Each employer shall certify to the treasurer of said employer on each and every pay-roll a statement as voucher for the amount so deducted and shall send a duplicate of such statement to the secretary of the retirement board

Section 3 Clause three of section eight of said act as amended by section six of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred thirty eight) is hereby further amended to read as follows

(3) In the month of July nineteen hundred twenty for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania shall pay into the fund created by this act through the Department of Revenue on account of each new entrant who was a contributor for one or more months of such respective periods such amount as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective active service of such new entrant the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the said Commonwealth under the provisions of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new entrant during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest Provided That in the case of new entrants who were employed during the

yes which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year the amount certified by the retirement board shall likewise be computed on the basis of said salary

Section 4 Clause five of section eight of said act as last amended by section four of the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixty-five) is hereby further amended to read as follows

(5) Beginning with the month of July nineteen hundred nineteen and continuing until the accumulated reserve equals the present value as computed by the actuary of the retirement board and approved by the retirement board of all State annuity payments thereafter payable by the Commonwealth on account of present employes then retired or to be retired on State annuities as provided in this act the said Commonwealth shall pay semi-annually into the fund created by this act through the Department of Revenue an amount equal to two and eight-tenth (2.8) per centum of the total compensation paid to all contributors for service during the preceding school year and in every case an amount at least three per centum greater than the second preceding semi-annual payment which amount shall be credited by the retirement board to a ledger account to be known as State Annuity Reserve Account Number Two Beginning with the month of July nineteen hundred twenty-five the Commonwealth shall pay semi-annually into the fund created by this act as aforesaid to the credit of State Annuity Reserve Account Number Two an amount equal to two (2) per centum of the total compensation paid to all contributors for service during the preceding school year Beginning with the month of July nineteen hundred thirty-three the Commonwealth shall pay semi-annually into the fund created by this act as aforesaid to the credit of State Annuity Reserve Account Number Two an amount equal to one and six-tenths (1.6) per centum of the total compensation paid to all contributors for service during the preceding school year Provided That in the case of contributors who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year such salary shall be used in computing such total compensation And [Provided] provided That in every case the amount shall be sufficient when combined with that in the fund to the credit of said account to provide the pensions payable by the Commonwealth during the half-year then current to present employes then retired or to be retired as provided in this act Upon the retirement of a present employe his or her State annuity shall be charged to the State Annuity Reserve Account Number Two and paid from the fund created by this act

Section 5 Clause six of section eight of said act as last amended by section six of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred thirty-eight) is hereby further amended to read as follows

(6) There shall be credited by the retirement board to a ledger account to be known as the employes' annuity savings account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the salary of each employe who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement of age of sixty-two and employes' annuity equal to one one-hundredth sixtieth (1/160) of his or her final salary for each year of service after the thirtieth day of June nineteen hundred nineteen [except that] Provided That in the case of employes who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three who have elected to contribute on the basis of salary receivable during said year such percentage shall be computed on the basis of said salary And provided That in any case if the deduction so computed shall exceed five per centum of his or her earnable salary and the employe shall so elect there shall be deducted five per centum of his or her earnable salary And further provided That a beneficiary restored to school service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deduction from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective school service of the contributor

Section 6 Subject to such rules and regulations as the retirement board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list Pennsylvania public school employes at the time of the final enactment of this act

And said bill having been read at length the second and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1486 (House Bill No. 812), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1496 (House Bill No. 2325), entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1506 (House Bill No. 2745), entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital.

And said bill having been read at length the second time.

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. ARON. Mr. President, I move that the question together with the further consideration of Senate Bill No. 1506 (House Bill No. 2745), be postponed for the present.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1508, on second reading, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by private corporations providing for the ascertainment of the validity and the recording of certain condemnations and appropriations of water by private corporations and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by private corporations and compensation therefor and conferring powers and imposing duties upon the Water and Power Resources Board

be recommitted to the Committee on Forests and Waters for the purpose of amendment.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSSON (Centre). Mr. President, I rise in objection to the motion of the Senator from Philadelphia. Mr. Shapiro. I think it is perfectly apparent what influences have stalemated practically all of the bills in the Senate during this session in connection with the preservation or the purification of the waters of the Commonwealth. This bill does not, by the most fastidious stretch of the imagination, do any harm to any public utility. The bill is aimed at and does regulate the preemption of waters indiscriminately by that class of corporations in this State which have the right of eminent domain in the condemnation of the State's water resources. It does not interfere with private or municipal rights, but certainly does prevent the recurrence in this Commonwealth of some of the injurious preemptions that exist in this State at the present time.

I wish to voice my strenuous opposition to sending this bill back to Committee, where it will unquestionably rest for the balance of this session; and I demand a roll call on this motion

Mr. SHAPIRO. Mr. President, I am exceedingly sorry that I cannot boast of the same privilege of representing utilities that some of my friends from the up-State disricts do. I certainly have no interest in public utilities when I am sending this bill back to committee. I have read this bill most carefully, and do not even have to stretch my imagination or my learning to understand that it interferes with the use of water by the City of Philadelphia. It would require the City of Philadelphia, before it can use any part of the Schuylkill River—which lies in the major portion of the City of Philadelphia—to go to somebody in Pennsylvania to get authority to do so; and for that reason I object to the bill. I do not know anything about the public utilities' use of this water. If they are abusing their privileges, the activities of my friends on the other side would soon stop it. I ask that this bill go back simply because I am interested in the City of Philadelphia; I do not represent any utility.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. FREY and were as follows, viz:

YEAS—30

Aron,	Gelder,	Law,	Rodgers,
Batchelor,	Graff,	Mallery,	Shapiro,
Bean,	Harvey,	McClure,	Sones,
Buckman,	Homsher,	Norton,	Sordoni,
Chapman,	Howell,	Owlett,	Staudenmeier,
Clark,	Huffman,	Pierson,	Trainer,
Coyne,	Hunsicker,	Reed,	Ziesenheim,
Ealy,	Lanius,	(Dauphin)	

NAYS—16

Baumer,	McCreesh,	Reed,	Thompson,
Cavalcante,	McGinnis,	(Washington)	(Centre)
Frey,	Prince,	Rice,	Thompson,
Harris,	Pytko,	Roberts,	(Westmoreland)
Kahle,	Rankin,	Rupp,	

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1514, as follows:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any policy or contract of insurance or annuity hereafter taken out or issued by any insurance company domestic or foreign lawfully doing business in this Commonwealth to any solvent citizen thereof whereof the said insured or purchaser of said annuity shall be the beneficiary or annuitant not exceeding an income or return therefrom one hundred dollars ($100) per month and any annuity or pension whether by way of a gratuity or otherwise granted or paid by any private corporation or employer or out of a trust fund established by any private corporation or employer to a retired employe being a citizen of this Commonwealth under an agreement plan or trust indenture which provides that the same shall not be assignable or subject to execution or attachment shall be exempt and free and clear from the claims of all his or her creditors and from all legal and judicial processes of execution attachment or otherwise whatsoever

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1526, as follows:

An Act fixing the salary of the clerk to the President of the Senate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the clerk to the President of the Senate is hereby fixed at two thousand four hundred dollars per annum

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1532, as follows:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases in which the period of the limitation of the warrants of the duplicates of the county poor road city township ward school and borough tax collectors have expired and in case where the power and authority of said tax collectors have expired or shall expire during the year one thousand nine hundred and thirty-five by virtue of the expiration of their terms of office and said tax collector or collectors have or shall become personally liable for the taxes contained in said duplicates and warrants or any part thereof by reason of the personal payment or otherwise by the said tax collector or collectors of the said taxes or any part thereof without having recovered or collected the same from the person or persons against whom they have been levied and assessed or without having recovered or collected the same from the person or persons owning the property against which the said taxes have been levied and assessed the said duplicates and warrants and the power and authority of the said tax collectors in all such cases are hereby revived and extended for a period of two years after the passage of this act and the said tax collector or collectors their executors and administrators if they are deceased or either surety or sureties are hereby empowered to proceed and collect said taxes from all such persons who have not paid them residing in said district within which said taxes are assessed as well as from all persons who may remove or have removed from said city ward township or townships or boroughs and have neglected to pay the taxes as aforesaid assessed with the like effect as it said warrant or warrants have not expired or the term of office of said tax collector had not expired Provided That the provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-four and that nothing in this act shall release any bondsman or security Provided That this act shall not apply to cities having special laws on this subject Providing also That no collector or the sureties thereof who take advantage of this act shall be permitted to plead the statute of limitations in any action brought to recover the amount of any duplicate or warrant so extended or renewed Provided further That no statute of limitations shall prevent the collection of any tax for which the warrants and powers and authorities of the said tax collectors have been so as aforesaid extended renewed and revived

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1534, as follows:

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle and making an appropriation

Whereas The State Emergency Relief Board entered into contracts with the owners of certain abbatoirs to slaughter drought cattle which contracts required certain owners to expend large sums of money in making improvements to comply with Federal inspections before slaughtering could be commenced and

Whereas In some cases by the time these improvements were completed the shipment of cattle had ceased and the owners making these improvements lost large sums of money therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Emergency Relief Board is hereby empowered to adjust and settle any and all legal or moral claims which the owners of abbatoirs may have against the Commonwealth by reason of contracts entered into with the State Emergency Relief Board for the slaughtering of cattle necessitating extensive improvements which represent a loss to the owner because of the cessation of the shipment of cattle for slaughter at said abbatoirs in accordance with said contracts The State Emergency Relief Board shall in the settlement and adjustment of said claims determine the cost of the improvements made in the case of each such abbatoir and the actual value thereof to the owner in the ordinary course of his business and shall equitably adjust and settle such claims for such sums as in the opinion of the board represent the costs of the improvements made by an owner which are of no substantial benefit to the owner in the ordinary course of his business and the cost of which was not recovered from profits made on the slaughter of cattle under the terms of such contracts

Section 2 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby specifically appropriated to the State Emergency Relief Board for the payment of claims allowed against the Commonwealth by the State Emergency Relief Board under the provisions of this act Payment from said appropriation shall be made on requisition of the executive director of the State Emergency Relief Board in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1535, as follows:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission

Whereas By a resolution of the Senate adopted February tenth one thousand nine hundred and thirty-one a committee on the part of the Senate was created to investigate the Public Service Commission of the Commonwealth of Pennsylvania which committee presented a report to the Senate April fourteenth one thousand nine hundred and thirty-one and

Whereas There remain unpaid bills for reporting and transcribing said proceedings to the extent of eight thousand three hundred and forty-two dollars ($8,342) therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight thousand three hundred and forty-two dollars ($8,342) is hereby specifically appropriated to the Secretary of the Senate for the payment of unpaid bills incurred by the Senate committee pursuant to the authority granted by Senate resolution serial number six one thousand nine hundred and thirty-one adopted February tenth one thousand nine hundred and thirty-one Payment from said appropriation shall be made on requisition of the secretary of the Senate in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1537 (House Bill No. 1703) on second reading, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday, providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

be recommitted to the Committee on State Government for the purpose of a hearing.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1538, as follows:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations isued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any city of the third class has in good faith issued bonds or other obligations for the payment of the costs of a public improvement on the assumption that such bonds were not debts of the municipality within the meaning and intent of article nine section eight of the Constitution for the reason that such bonds or obligations were to be secured or are to be secured by assessments against property benefited by such improvement and were to rest alone for their security upon payment of such assessments such cities are hereby authorized to appropriate moneys out of the general revenues for the purpose of calling in and paying such bonds in their order of priority notwithstanding the fact that the corporate authorities of the city failed either in whole or in part to comply with the laws of the Commonwealth providing the method of incurring and increasing its indebtedness Provided however That the amounts appropriated from time to time be left within the discretion of the proper city authorities

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1540, as follows:

An Act making an appropriation to the Department of Property and Supplies for the purpose of making preliminary surveys collecting data and reporting on a proposed vehicular tunnel or tunnels under the State Capitol building

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the purpose of making preliminary surveys the collection of data and the making of a report to the General Assembly on the feasibility of the construction of a vehicular tunnel or tunnels under the State Capitol building from a point on Fisher Plaza to a point on Third Street

The Department of Property and Supplies shall have power to employ and fix the compensation of an engineer for the purpose of making such surveys collecting such data and making such report and to pay the compensation of such engineer from the appropriation made by this act Payments from such appropriations shall be made on requisition of the Secretary of Property and Supplies in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 1911 (Senate Bill No. 1603), entitled:

An Act permitting, licensing, regulating and controlling horse racing and betting and wagering on such races; creating a State racing commission with jurisdiction over the same; defining its powers and duties; imposing certain license fees and State taxes; providing penalties; providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon; and making an appropriation.

Which was committed to the Committee on Municipal Government.

HOUSE CONCURS IN SENATE BILL NO. 31

He also returned to the Senate, Senate Bill No. 31, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1683 entitled:

An Act to amend section six of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 497), entitled "Uniform Firearms Act," by exempting hunters and fishers from the licensure provisions of the act under certain circumstances.

House Bill No. 2054 entitled:

An Act to amend section one and two of the act approved the seventh day of April, one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate the rights of ways of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State Highways.

House Bill No. 2490 entitled:

An Act to amend clauses nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "State Employes Retirement Law" opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

Senate Bill No. 221 entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year.

Senate Bill No. 399 entitled:

An Act to amend sections two and fifteen of the Act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An act concerning arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements and; conferring certain powers and imposing certain duties upon the courts with reference thereto;" by prescribing the time for making application to stay proceeding pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals

Senate Bill No. 614 entitled:

An Act to add section four hundred and forty-nine to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the third class to appropriate money to County poor districts for hospital purposes.

Senate Bill No. 820 entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief.

Senate Bill No. 876 entitled:

An Act to amend the act approved the eighth day of March, one thousand nine hundred and thirty-three (P. L. 9), entitled "An act relating to banks, trust companies, savings and other banking institutions; providing for the protection of depositors therein, and empowering the Secretary of Banking to permit the withholding of payments to depositors, under certain conditions," by extending its effective period.

Senate Bill No. 890 entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended by exempting in certain cases the security required of depositories for school funds.

Senate Bill No. 1234 entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

Senate Bill No. 1235 entitled:

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

Senate Bill No. 1246 entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto, and imposing no municipal liability, existing or created at the time of the original acquisition of such water-works, by the issue of refunding bonds secured solely by liens, and imposing no municipal liability.

Senate Bill No. 609 entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 156, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of land and the construction and equipment of an armory and headquarters for Troop C, One Hundred and Fourth Pennsylvania Cavalry.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 224, entitled:

An Act making an appropriation to the Mount Sinai Hospital, of Philadelphia, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 253 (House Bill No. 434), entitled:

An Act validating adoptions in courts of record of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 273, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption; providing protection of water supply; providing for the jurisdiction of courts and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 284, entitled:

An Act for the acquisition of property by the Commonwealth east of the Soldiers' and Sailors' Memorial Bridge in the City of Harrisburg, and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 316 (House Bill No. 219), entitled:

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 343, entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions," requiring more specific statements in the return of writs of summons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 366, entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler, a fire prevention sprinkler system, a feed water pump, and certain repairs and improvements at The Dixmont Hospital, Dixmont, Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 375, entitled:

An Act making an appropriation to the Christian H. Buhl Hospital, Sharon, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 732, entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 826 (House Bill No. 1278), entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 827 (House Bill No. 1279), entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 896, entitled:

An Act to amend act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking; by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by providing for the creation of the Banking Board, the appointment of its members, the payment of its expenses, and defining its powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 912 (House Bill No. 1588), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 913 (House Bill No. 1589), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 914 (House Bill No. 1590), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 915 (House Bill No. 1592), entitled:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 916 (House Bill No. 1596), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 917 (House Bill No. 1597), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 918 (House Bill No. 1599), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 919 (House Bill No. 1606), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 920 (House Bill No. 1607), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of costs incurred by that department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 926 (House Bill No. 1879), entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 962, entitled:

An Act making an appropriation to the Hospital of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 964, entitled:

An Act making an appropriation to the Graduate Hospital of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1051 (House Bill No. 979), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1147, entitled:

An Act to amend sub-heading (a) of Article XXXII of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the collection of taxes by assumpsit.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1172, entitled:

An Act making an appropriation to the Trusteees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1323 (House Bill No. 292), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1328 (House Bill No. 1595), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1329 (House Bill No. 1896), entitled:

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1448 (House Bill No. 2586), entitled:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the permit of redemption to five years where land has been or is hereafter purchased by the county

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1483, entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, three hundred fifty-nine), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring magistrates, justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1518, entitled:

An Act to amend section one of the act, approved the twenty-third day of April, one thousand nine hundred and nine (P. L. 159), entitled "An act prohibiting the buying, having, or receiving of stolen property, in the Commonwealth of Pennsylvania, and providing for the punishment thereof," by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1542, entitled:

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1584, entitled:

An Act authorizing the State Treasurer with the approval of the Governor to transfer money from the Motor License Fund to the General Fund; and providing for the subsequent transfer from the General Fund to the Motor License fund at the discretion of the Governor of the transferred moneys; and making appropriations necessary to carry this act into effect.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1585, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6), entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1586, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7), entitled "An act transferring money fro mthe Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the payment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1587, entitled:

An Act to amend section three of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 8), entitled "An act transferring money from the State School Fund to the General Fund;

requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1588, entitled:

An Act to amend section two of the act, approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7), entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1589, entitled:

An Act to amend section two of the act, approved the eleventh day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund, and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1590, entitled:

An Act to amend section two of the act, approved the twelfth day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 5-A) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money," by extending the time for return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1591, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1592, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1593, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1594, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 10-A), entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1595, entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1598, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1601, entitled:

An Act authorizing the payment of certain state taxes in advance of the due date thereof; allowing a discount where such taxes are paid on or before a certain date; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1602, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof; allowing various discounts where such taxes are paid on or before certain dates; and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until tomorrow at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

MONDAY, June 10, 1935

The House met at 9.00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Lord God, our Heavenly Father, we thank Thee that Thou hast brought us back again to the work to which Thou hast appointed us. We pray that Thou wilt guide us and that we shall do and say those things that will bring honor and glory to Thy Name.

We pray that Thou wilt comfort those who are in distress, in sickness, and who have illness in families, that Thou wilt use Thy great power to restore them to health and usefulness.

Guide us each day so that as the day closes and we lie down upon our beds to sleep we can look back upon a work well done for Thy glory. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, June 5, 1935.

The Clerk proceeded to read the Journal of Wednesday, June 5, 1935, when, on motion of Mr. McKINNEY, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. WEISS. HOUSE BILL No. 2960.

An Act relating to business; restricting hours of labor, and in certain cases limiting the number of employes, and regulating rates and payment of wages; defining the rights of employes to bargain collectively with employers; prohibiting certain unfair trade practices; creating a Board of Industrial Appeals, and defining its powers and duties in relation to the administration and enforcement of this act; conferring powers and imposing duties on the Department of Labor and Industry, and courts of common pleas; allowing appeals; and providing penalties.

Referred to the Committee on Labor.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1683.

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances

HOUSE BILL No. 2054.

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

HOUSE BILL No. 2490.

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Yeakel asked and obtained leave of absence for Mr. STOCKHAM.

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS.

Mr. Roan asked and obtained leave of absence for Mr. MASON.

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the balance of the week on account of illness.

RESOLUTION

RECALLING HOUSE BILL No. 2380 FROM THE GOVERNOR

Mr. RUTH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur) that House Bill No. 2380, Printer's No. 774, entitled "An act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 2203 FROM THE GOVERNOR

Mr. RUTH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2203, Printer's No. 773, entitled "An act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet laws two hundred seventy-three) entitled 'An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations' requiring dealers in securities to make reports of their financial condition," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 1286 FROM THE GOVERNOR

Mr. CLIFF PATTERSON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 1286, Printer's No. 1282, entitled "An act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled 'An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons ad registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties' by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows [instead of] Non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONFERENCE REPORT ON HOUSE BILL NO. 817

Mr. HART presented the report of the Committee of Conference on House Bill No. 817 which was laid over for printing.

RESOLUTION

RECALLING HOUSE BILL NO. 2485 FROM THE GOVERNOR

Mr. SIMON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2485, Printer's No. 1301, entitled "An act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and [public service] railroad companies and making an appropriation", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL NO. 2050 FROM THE GOVERNOR

Mr. FURMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Recolved (of the Senate concur), that House Bill No. 2050, Printer's No. 636, entitled "An act to amend the Act approved the twelfth day of June one housand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An Act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended extending the provisions of said Act to highway's in cities' as amended", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL NO. 2053 FROM THE GOVERNOR

Mr. KELSO offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur) that House Bill No. 2053, Printer's No. 655, entitled "An act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled 'An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth'" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON SECOND READING ON HOUSE BILL NO. 2437

The SPEAKER. The hour of 9:30 having arrived the Chair lays before the House the special order fixed for this hour, being House Bill No. 2437 on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby reenacted and amended to read as follows

An act to regulate and restrain the sale manufacture possession importation and use of alcohol and certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse for the use of members Continuous existence must be proven by satisfactory evidence Any cessation of continuous activity shall be reason for refusal to grant the license The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Corporation" shall mean a corporation or jointstock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accomodating at least thirty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per cent of alcohol by volume except alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor and malt or brewed beverages in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor and malt or brewed beverages as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by

responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accomodating at least thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor or malt or brewed beverages for a consideration and any gift in connection with or as a part of a transfer of property other than liquor or malt or brewed beverages for a consideration

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor which take place wholly within the Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

GENERAL POWERS AND DUTIES OF PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use and delivery of liquor in accordance with the provisions of this act

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke liquor licenses as provided in this act

(e) To lease through the Department of Property and Supplies as agent and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the manufacture or transportation of or having illegal possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power to seize and confiscate without warrant or process except in private homes any liquor alcohol and malt or brewed beverages so illegally possessed manufactured or transported and any stills equipment materials utensils vehicles boats vessels aircraft or any of them which are being used in the manufacture of transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels or aircraft so seized or confiscated shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages to be used for containing liquor or malt or brewed beverages kept or sold under this act

(h) Without in any way limiting or being limited by the foregoing to do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the boards subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor is kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase of liquor and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor kept for sale by the board under this act

(f) The sealing and labeling of liquor sold under this act and of liquor lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses to hotels restaurants clubs and railroad pullman or steamship companies and the conduct management and equipment of licensed places

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

ARTICLE III

PENNSYLVANIA LIQUOR STORES

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in at least two newspapers of general circulation If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter

sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him-or her-self and that no application blank shall require the color of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them When there are positions to be filled examinations shall be held at least twice in each year The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examination shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by committees composed of representatives of the Department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the department and each committee shall consist of three persons The selections made by the presidents of State aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation

All offices places and employment in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on The list of eligibles in any district shall be valid only until the next examination is held in such district

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held [from nine A M to nine P M] during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours or less than seven hours in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The Board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor purchases from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the Board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor to be consumed on the store premises nor shall any person consume any liquor on such premises

Every purchaser of liquor from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the Board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

LICENSES AND PERMITS

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by an application fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every Club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute and seeks a license for a hotel restaurant or club as defined in this act the board shall grant and issue to the applicant a liquor license [entitling him to purchase liquor from a Pennsylvania Liquor Store and in that part of the hotel restaurant or club set out in the license to sell by open bottle glass or other container or in any mixture the liquor so purchased and also malt liquor to the patrons guests or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons guests or members or in private rooms of the building as hereinafter provided and in accordance with the provisions of this act and the regulations made thereunder] The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residental district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed at the time of the final enactment of this act for the sale of liquors and malt liquors

Section 404 Appeals from Refusal of Board to Issue Licenses Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board a surety bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or not less nor more than two individuals each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2,000) or more to be approved by the board All such

bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be [sued out] collected if and when the licensee's license shall have been revoked as provided in this act

Section 407 License Fees (a) Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred forty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred forty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall before receiving such license pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

[(c) The fees for hotel restaurant or club licenses when applied for and issued on or after

April first but prior to July first shall be three-fourths or the annual fee

July first but prior to October first shall be one-half of the annual fee

October first but prior to January first one-fourth of the annual fee]

[(d)] (c) All license fees authorized under this section shall be collected by the board for the use of the municipalities [except] or townships [of the second class] in which such fees were collected [License fees for liquor licenses issued to hotels restaurants or clubs located in townships of the second class shall be collected by the board for the use of the school districts coextensive with such townships]

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses

(b) [at least one week] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year, except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth

(c) In the event that any person to whom a license shall have been issued under the terms of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses [(a) Unless previously revoked every license issued by the board under this act shall expire and terminate on the thirty-first day of December in the year for which the license is issued

(b) Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the board shall prescribe but no license] (a) The Board shall by regulation divide the State into convenient License Districts and shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board shall by regulation fix the License year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the Board of objections to the renewal of his license based upon violation by the licensee of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture transportation use storage importation possession or sale of liquors or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute the license of a licensee shall be renewed [until] when the applicant shall file with the board a new surety bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License [After a license has been issued to a hotel restaurant or club under this act the Attorney General the district attorney or fifteen or more taxpayers residents of the municipality where the hotel restaurant or club is located may petition the court of quarter sessions of the proper county for the revocation of such license If after notice and hearing it shall appear to the court that the licensee has violated any law of this Commonwealth or regulation of the board relating to liquor malt liquor or alcohol the court may suspend or revoke the license The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose license is revoked shall be inelligible to have a license or permit under this act or under any other act relating to the manufacture sale or distribution of liquor or malt liquor until the expiration of five years from the date his license was revoked]

After a license has been issued under the provisions of this Act upon the petition of the Attorney General the District Attorney of any County or upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act when a license is revoked the licensee's bond shall be

forfeited In all cases where the Board shall suspend or revoke a license it shall set forth its Findings of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt liquor until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any licensee aggrieved by the suspension or revocation of any license issued under this Act may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such appeal shall be taken within twenty days from the date of revocation or suspension upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the petition by the Court after ten days notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the Applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify the order of the Board or reverse the action of the board In all such cases of appeal the court of quarter sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the court may allow a supersedeas if the appellant shall have filed with the clerk of the court to which the appeal was taken a penal bond in the sum of two thousand dollars ($2,000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests or patrons and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

[Liquor may be sold by licensees other than clubs only after seven o'clock ante meridian of any weekday and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municpial special or primary election is being held]

(c) Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after two o'clock ante meridian or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 412 Sale of Malt or brewed beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person [It shall not be necessary for such licensees to obtain malt liquor retail licenses under the provisions of the Malt Liquor License Law] no licensee under this act shall at the same time be the holder of any other license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt liquor to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt liquor to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensee shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of manadamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each [dining club or buffet car for which a license is desired] of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00) [The board shall collect a proportionate license fee for such licenses issued during a license year in such proportions as elsewhere provided in this act in the case of hotels restaurants or club liquor licenses]

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance

with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses The board may upon application grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be five hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of five thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution sale and use of liquor

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importer's Licenses The board may upon application grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries and insular possessions of the United States and obtain from manufacturers located within the Commonwealth to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth

The fee for such licenses shall be one thousand dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to the distribution sale and use of liquor malt or brewed beverages alcohol or other alcoholic beverages Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds Every importer shall pay to the Board an additional license fee of ten cents per case on each and every case of twelve quart bottles or the equivalent thereof purchased from such importers by the Board for sale in Pennsylvania Liquor Stores Every importer shall make monthly reports to the Board in accordance with regulations promulgated by the Board on which importers shall show the sales made by the importer to the Board during each calendar month Such reports shall be filed with the Board and payments shall be made to the Board for the tax due on such sales on or before the fifteenth day of the month following the calendar month for which the report is filed On all sales of liquor made by importers to the Board when the liquor shall have been originally purchased from a Pennsylvania manufacturer and on all liquor originally purchased from a Pennsylvania manufacturer and sold by importers to persons outside the Commonwealth of Pennsylvania there shall be allowed an exemption of ten cents per case for which credit may be taken in the reports herein required

Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages

ARTICLE V

LOCAL OPTION

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes	
	No	

If a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place in any local option area where the electors have voted against such sales but the sale of malt liquors by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

ILLEGAL ACTS PENALTIES FORFEITURES

Section 601 Restrictions on Sales by Manufacturers or Licensed Importers It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine permit but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

Section 602 Sale by Persons Other Than Manufacturers (a) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alco-

hol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

(b) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess any liquor within the Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store But nothing herein contained shall prohibit the possession of liquor purchased from a licensee in accordance with this act or prohibit the possession of wine manufactured by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one year two hundred and fifty gallons Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(c) Except as provided in this act it shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor from any person or source other than a Pennsylvania Liquor Store

(d) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine permit to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board but nothing herein contained shall prohibit the possession of wine as provided in clause (b) of this section

(e) It shall be unlawful for any licensee or the board or any employe of such licensee or of the board to sell furnish or give any liquor or to permit any liquor to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(f) It shall be unlawful for any licensee to sell or offer to sell or purchase or receive any liquor [to any person on credit] or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or beverages so sold are actually transported and delivered to points outside of the Commonwealth

(g) It shall be unlawful for any licensee or the board or any employe or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(h) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(i) It shall be unlawful for any licensee except a Manufacturer on his own premises to advertise in any manner whatsoever on the outside of any licensed premises any liquor or malt or brewed beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the original cost thereof shall not be more than seventy-five dollars

(j) It shall be unlawful for any manufacturer or licensee to give furnish lease or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture of any liquor or malt or brewed beverages unless the original cost thereof shall not exceed twenty-five dollars ($25)

(k) It shall be unlawful for any licensee to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(l) It shall be unlawful for any licensee to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(m) It shall be unlawful for any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(n) It shall be unlawful for any licensee except club licensees to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee of twenty-five dollars ($25.00) for such permits All such fees shall be paid into the State Stores Fund

(o) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(p) It shall be unlawful for any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(q) It shall be unlawful for any licensee to have alcohol in his possession on the licensed premises

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board

Section 604 Things of Value Not to be Offered [for the Return of Certain Articles] It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverage or to offer or give anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or to offer or give any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define to either trade or consumer provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of Manufacturer It shall be unlawful for a manufacturer to deliver any liquor except in his own vehicles bearing his name and address on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine permit or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) A manager or employe of the board or any employe of the Commonwealth shall not solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor to or purchasing liquor from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances (a) Any room house building boat vehicle structure or place except a private home where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as hereinbefore provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a hotel or restaurant license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or the equivalent thereof to any hotel or restaurant for equipping fitting out or maintaining and conducting either in whole or in part a hotel or restaurant licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as hereinbefore provided no hotel licensee restaurant licensee or club licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor nor shall any hotel restaurant or club licensee either directly or indirectly lend any moneys credit or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this act

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not more than three months and for any subsequent

offense shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not more than one year

(b) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel or aircraft illegally used in the manufacture or transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the same or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle boat vessel or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels and aircraft) publicly destroyed by the sheriff except that the court may order the same or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel or aircraft seized under the provisions of this act and condemned the court shall order a public sale thereof by the sheriff of the county Notice of such sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias The proceeds of such sale shall be paid to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgage or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall given ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation Provided That a license may be issued for such motor vehicle after the public sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (I) a description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such property shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property or the holder of a chattel mortgage or contract of conditional sale thereon (II) that he lawfully acquired the same (III) that it was not unlawfully used or possessed by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any liquor alcohol or malt or brewed beverage or still equipment

material utensil vehicle boat vessel or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft was lawfully acquired possessed and used by him or if it appearing that the property was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act

ARTICLE VII

DISPOSITION OF MONEYS

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers' licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine and importers' licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities [except] and townships [of the second class] in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceeding period [On the above dates in each year the board shall pay to the respective school districts coextensive with townships of the second class the license fees collected by it during the period immediately preceeding the date of payment for licenses issued to hotels restaurants or clubs located in townships of the second class]

Section 702 Application Fees and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All application fees and moneys accruing from sales of liquor at Pennsylvania Liquor Stores and all [fines penalties and] forfeitures collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This [act] amendment and re-enactment shall become effective immediately upon its [passage and approval by the Governor except that nothing herein contained shall authorize the sale of any liquor prior to the day when the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states and except that the provisions of this act forbidding the importation of liquor except by Pennsylvania Liquor Stores and purchases not for consumption on the premises except from Pennsylvania Liquor Stores shall not become effective until the first day of January one thousand nine hundred and thirty-four

Prior to January first one thousand nine hundred and thirty-four holders of manufacturers' permits heretofore issued by the Pennsylvania Alcohol Permit Board may sell liquor not for consumption on the premises otherwise than to Pennsylvania Liquor Stores and holders of liquor licenses issued by the board may buy liquor otherwise than from Pennsylvania Liquor Stores and sell it not for consumption on the premises as well as for consumption on the premises but they shall keep such records and make such reports of sales not for consumption on the premises as may be required by the board for the use of the Department of Revenue

The provisions of section four hundred seven clause (c) shall not be effective until January first one thousand nine hundred and thirty-four

For all licenses and permits issued during the year one thousand nine hundred and thirty-three the full annual license or permit fee shall be charged but such licenses and permits shall be valid until midnight of the thirty-first day of December one thousand nine hundred and thirty-four unless sooner revoked as provided in this act And all bonds filed with the board in connection with the issuance of such licenses and permits shall cover the period ending December thirty-first one thousand nine hundred and thirty-four] final enactment

Section 802 Repeal The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws" and all other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the section?

Amendments were offered by Messrs. BLUMBERG, SOWERS and SPROUL.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Blumberg, will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, page 5, line 27, by inserting between the words "producing" and "manufacturing" the word "bottling".

On the question,

Will the House agree to the amendment?

It was agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Sowers will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section one, page 8, section 201, line 20, by striking out the words: "Suspend and revoke"

On the question,

Will the House agree to the amendment?

Mr. BLUMBERG. Mr. Speaker and members of the House, I would request that the House vote negatively on this amendment. This amendment seeks to take away from the Liquor Control Board the power of suspension and revocation of licenses. It had been the aim of the committee that had this bill in charge, the Law and Order Committee, so far as possible with convenience, dispatch and efficiency to extend more control to the Liquor Control Board in order to do away with the evils and inconsistencies of the past act. I feel that not only should the Liquor Control Board have the right to grant licenses, but also to suspend and revoke.

The cases of suspension and revocation are stated in the act. I therefore ask you to vote the amendment down.

Mr. SOWERS. Mr. Speaker and members of the House, the amendment before you raises this issue, shall more

power be centralized in the Liquor Control Board? At the present time the Liquor Control Board may grant and may refuse to grant licenses and then the principle of the Brooks high license law comes into operation, and the applicant can go back to the county and ask for the granting of the license by the court.

The present bill seeks to amend the old law by extending the power of the Board to suspend and revoke licenses.

Now, if the Board is given the power to suspend licenses, then on any anonymous letter or on any kind of complaint the Board may suspend licenses and may keep them suspended for any length of time, during which time the licensee's business may be absolutely ruined.

A suspension for two or three days will ruin a man's business. Now then, the Board in this bill asks for the power of revocation. At the present time only the court can revoke a license.

Now, shall the Board have the power to revoke? The power to revoke is a very important power. The power in the court to revoke is a remnant of the Brooks high license law. If you give this Board the power to revoke, you give them a terrific power to penalize every licensee, because every time the Board revokes a license, then the Commonwealth of Pennsylvania sues out a two thousand dollar, a one thousand dollar or a ten thousand dollar bond. Every time your Liquor Control Board revokes a license under this bill, every licensee would be penalized in the amount of the bond that he put up in the amount of one thousand dollars, two thousand dollars or ten thousand dollars.

I submit to you, members of the House, that this is too great a power to place in a bureau here in Harrisburg. The licensee is placed at too great a handicap in bringing his witnesses all the way to Harrisburg, and the present system whereby the court in your county has the power to revoke, is the proper system. It means that the applicant may meet the Board on a parity: he is at home; he may bring his witnesses to court.

The Board can bring their witnesses to that court, but what applicant in Erie could bring them to Harrisburg without a two or three hundred dollar expense for his witnesses? The applicant or the licensee in Philadelphia, what licensee could bring to Harrisburg his witnesses under an expense of two or three hundred dollars?

I ask you, members of the House, in fairness to these licensees that pay a six hundred dollar license fee, that you vote "aye" on the amendment and do not increase the power of a bureau at Harrisburg to pass on the right of your constituents, and that you continue that right in your local court.

Mr. BLUMBERG. Mr. Speaker and members of the House, the gentleman from Philadelphia is certainly under an erroneous impression if he wants this House to believe that under this proposed amendment the Liquor Control Board may capriciously revoke or suspend a license, using as an illustration an anonymous letter.

I stated in my previous remarks to you that the basis on which there can be a suspension or revocation is stated plainly in the bill.

Now, anyone can read very plainly just what those conditions are, if they turn to pages thirty and thirty-one. I will read to you from the bottom of page thirty: "After a license has been issued under the provisions of this act, upon the petition of the Attorney General or the District Attorney of any County or upon the petition of fifteen or more taxpayer residents of the ward, borough or township where the place of business is located or upon his own motion note these words—"the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners, members, officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors, malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the persons so licensed and complained against, suspended or revoked the licenses issued under the provisions of this act."

Then the paragraph goes on to state that when a license has been so suspended or revoked, any licensee feeling himself aggrieved,—then we will read at the bottom of that page "may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located. Such appeal shall be taken within twenty days from the date of revocation —" then there is a hearing de novo and if there is an adverse decision by the Court of Quarter Sessions the licensee is given the further right to appeal to the Superior Court.

The Board does not have the right to appeal from the Quarter Sessions Court if the Quarter Sessions Court has overruled the Board, but the licensee does have those two successive appeals.

Therefore, members of the House, I submit that the Board cannot be capricious or arbitrary in the suspension or revocation of the license. On the contrary the greatest safeguards have been inserted into the bill to protect the property rights of the licensee, but it is absolutely necessary if this system is not to be brought into disrepute, if we are to improve the distribution of alcoholic liquors in the State, and so long as this experiment of state control is to continue in this state, it is imperative that we give to the Liquor Control Board and its enforcement agents the right to at all times control the licensee, whether it be initially in the granting of the license or whether it be later in the conduct of the licensee's premises.

I, therefore, ask again that this amendment be defeated.

Mr. Speaker, if you will permit me to speak but one moment further, I neglected to answer the argument of the gentleman from Philadelphia referring to the fact that the licensee may have to come from various parts of the state. If you will glance at page twenty-nine, you will see that the state is to be divided into control districts by the Board. You will find in paragraph (b) page 29 "That the Board shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications—" so that as a matter of fact there is a greater convenience in the establishment of districts. The idea is to offer the greatest convenience to the licensee and yet give the supervision and control to the state.

Mr. ACHTERMAN. Mr. Speaker, I wish to concur in the remarks of the gentleman from Philadelphia, Mr. Blumberg, and add thereto that the act is only giving to the Board which has the power to grant licenses also the right to suspend and revoke upon cause shown; that is to say it is giving the Board that creates also the right to destroy, if cause exists; in other words it is making uni-

form their authority, and for that reason I am asking the members to vote down the amendment.

Mr. SOWERS. Mr. Speaker and members of the House, in reply to my friend from Philadelphia, Mr. Blumberg, I want to call your attention to the fact that the procedure on page twenty-nine, in my opinion, only relates to the granting of licenses, not the suspension and revocation. Let us take the mild view of my friend from Philadelphia, by the time the licensee has all those things done, he will not even own the shirt on his back. By the time he gets started complying with all the features outlined in this bill, the poor licensee, after paying the costs, paying the stenographers, paying fees and paying other things, he won't have even the money to stock his place with liquor, should his license not be suspended. I ask you members of the House to preserve to these licensees that pay the Commonwealth six hundred dollars a year to do business in this state some rights, and let the courts, who have always acted fairly in the past, decide the question. Let them continue to do it, and I ask you to vote "aye" on this amendment.

Mr. Speaker, I ask for a roll call.

Mr. WITKIN. Mr. Speaker and members of the House, there is just one other argument that was advanced by the gentleman from Philadelphia that I think ought to be corrected. He has stated erroneously to this House that if the Board capriciously suspended the license that the licensee can be put out of business. I want to direct your attention to the fact that on page thirty-seven at the top, when a license has been suspended a person who is aggrieved by such decision may immediately obtain from the Court of Quarter Sessions or county court in your particular district a supersedeas so as to stop the suspension of his license until he has had a hearing before the court, so that the attempt to say to you that the licensee would be ruined in the meantime is a fallacious argument and an erroneous argument made by the gentleman from Philadelphia, Mr. Sowers.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SOWERS and Mr. MOORE and were as follows:

YEAS—40

Atkins,	Habbyshaw,	Merrell,	Simpson,
Boose,	Hamilton, R. S.,	Moore,	Snyder, F. E.,
Boyer,	Hart,	Muir,	Sowers,
Bradley,	Horst,	Parks,	Spangler,
Cannon,	Jackson,	Perry,	Stank,
Carr,	Kinney,	Reynolds,	Stewart,
Castor,	Longaker,	Rhys,	Tahl,
Cochran,	McDevitt,	Root,	Wasserman,
Condon,	McElroy,	Schwartz,	Wickersham,
Denning,	McKinney,	Shortz,	Woodside,
Green,			

NAYS—151

Achterman,	Downey, J. J.,	Lovett,	Schwab,
Alexander,	Duffort,	Lynch,	Shaw,
Allen,	Eberharter,	Male,	Shepard,
Altenburg,	Eroe,	Mallen,	Shreiner,
Andrews,	Falkenstein,	McCreary,	Siegel,
Arnold,	Ferko,	McDermott,	Simon,
Aukerman,	Finnerty,	McHenry,	Sinwell,
Baine,	Fitch,	Melchiorre,	Sloan,
Baker, F. T.,	Flanagan,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Flinchbaugh,	Moomaw,	Smith, W. G.,
Baldi,	Forrest,	Mooney,	Snyder, J. L.,
Barber,	Furman,	Moran,	Sproul,
Barnhardt,	Gerard,	Moul,	Stevens,
Bernhard,	Gillette,	Nagel,	Stone,
Blumberg,	Greenstein,	Nothnagle,	Stott,
Boyd, R.,	Haberlen,	O'Keefe,	Sumney,
Brancato,	Hagerty,	Ominsky,	Surface,
Brennan,	Haluska,	O'Neill,	Tronzo,
Brown, H. S.,	Hamilton, F. P.,	Panton,	Trout,
Brown, J. E.,	Harkins,	Patterson, C.,	Tumelty,
Brownfield,	Harmuth,	Patterson, J. W.,	Turner,
Brumbaugh,	Hartman,	Pearson,	VanAllsburg,
Burke,	Hermansen,	Peters,	VanSickle,
Caputo,	Hetrick,	Pfaff,	Walker,
Carson,	Hindman,	Phillips,	Wall,
Chervenak,	Hirsch,	Piole,	Weiss,
Coakley,	Hoffner,	Powers,	Welliver,
Cohen,	Holland,	Reising,	Welsh,
Coleman,	Holstrum,	Rinn,	Westrick,
Conner,	Hoopes,	Roan,	White,
Coolahan,	Kelder,	Robinson,	Winner,
Cordier,	Kelso,	Ruffennach,	Witkin,
Davies,	Kilroy,	Ruth,	Wood,
Decker,	Klingler,	Sarraf,	Yeakel,
Dent,	Kobelak,	Scanlon,	Yourishin,
Diehl,	LaRue,	Schrock,	Zappala,
Dilley,	Long,	Schrope,	Zimmerman,
Downey, G. E.,			

So the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Sowers, will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section one, page 12, section 301, line 20, by adding after the word "at" the last word of the line the following: "But shall not after July 1, nineteen hundred and thirty-five, establish new places or stores for the sale of liquor."

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the amendment that I now present to you brings forth the issue whether you are for the Board, whether you are for the enlargement of the State Store system for an additional investment of the Commonwealth's money in more stores. The amendment provides that after July 1 that no additional or new store may be opened by the State Liquor Control Board.

Now, this is important because there is still another amendment that will come before you. The other amendment, which is really a part of this one, provides that every licensee holding a hotel or restaurant license may sell a quart for consumption off the premises. Now, if the licensee is to pay a six hundred dollar license fee and if the State Store system is to be continued and Stores are to be put in and about these licensees, paying six hundred dollars license, then their business will be worthless and their six hundred dollars will be squandered.

I ask you members if you are against the further enlargement of this State Store system to vote for this amendment, and if you are for the next amendment that will come, for the sale by the licensee of a quart to take off the premises, then you should vote in the affirmative for this amendment.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I arise to oppose the amendments offered. These amendments attack the entire setup of the liquor stores in Pennsylvania, and if adopted will destroy the entire import and intent of this act because subsequent sections of this act grant to the liquor control board the right to control hours in which the stores may be open.

The object is to permit so-called one-man stores throughout the state of Pennsylvania, and to vitiate the objection now being found that there are not sufficient stores throughout this state in smaller communities to adequately take care of the business, and it is the desire,—

and I am stating frankly it is the desire of the Liquor Control Board that that right be given to them so that they can meet the demands throughout the state, and above all else be in a position to beat and eventually destroy the bootlegging system now existing in this state.

I might add that if they are given this right they will actually have control of the retail trade. If the amendments of the gentleman from Philadelphia were followed it will take the liquor stores of Pennsylvania out of the retail business and place them alone in the wholesale business, and very frankly, if you desire to continue the system now existing in Pennsylvania you will give to the Liquor Control Board the right to open and conduct stores as business warrants. Without that right you will take away from them the complete control of liquor and you will eventually destroy the entire system. I do not hesitate to say that the actual or basic reason, in my opinion, for this amendment is to destroy the liquor control system of Pennsylvania as it now exists, and it is for that reason that I am asking the members of the House to vote down the amendment offered by the gentleman from Philadelphia, Mr. Sowers.

Mr. SOWERS. Mr. Speaker and members of the House, I only want to say a word in reply to my friend. The purpose of the amendment is not to strike down the Liquor control board, but to give to the underdog, the forgotten man, the licensee who parts with six hundred dollars, a chance to make a living. If the state stores are to be enlarged and go on, what will the man have for his six hundred dollars? What particularly will that man have to make a living? If the system as described by my friend who has just spoken is to be followed, then why not say to the men, "We are taking your six hundred dollars and giving you a gold brick."

I ask you, members of the House, to give that underdog, that licensee, something for his six hundred dollars.

Mr. ACHTERMAN. Mr. Speaker, and members of the House, I might state in reply that the question that the gentleman raised will also subsequently be submitted to the House in the bill appearing on page 22. For that reason I renew my request that the amendment be defeated.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Sowers will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section one, page 20, section 401, line 18, by striking out the following which is contained in lines 18 to 29 inclusive, namely: "Such licensees other than clubs shall be permitted to sell malt (liquor) or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person (() (and liquor for consumption off the premises where sold Liquor sales for consumption off the premises must be in original sealed packages as purchased from Pennsylvania Liquor Stores and in quantities not in excess of one quart to any person at the retail price as established by the board and no licensee shall permit any such vendee to break the seal of such a package on the premises where sold) ()) and insert in lieu thereof the following:—"Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and liquor for consumption off the premises where sold Liquor sales for consumption off the premises must be in original sealed packages as purchased from Pennsylvania Liquor Stores and in quantities not in excess of one quart to any person at the retail price not less than established by the board for retail sales in State Stores."

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the amendment that I seek to put into the bill is the bill as originally drafted by the sponsors, and for the sponsors to be against this amendment, they are forced into the position of telling the House why they changed their minds. I cannot understand why the sponsors wrote into the bill the subject matter of this amendment and then afterwards changed their minds and forced it out. Now, I ask the House to restore the bill to the condition it was in when the sponsors drafted the bill. When they drafted this bill they were apparently in solitude and free from control and influence, they were free from somebody talking to them. Who that somebody was they will probably tell you in reply to my argument.

Members of the House, why should the bill be amended so as to return to its original condition? Tap room proprietors, many of them have been cheating, have been selling quarts and pints and half pints. That custom has been prevalent throughout the state. No amount of law that we can enact will stop it. No amount of snoopers and snipers and investigators that we can employ will stop it. Do we want to go back to the snoopers and snipers of the prohibition day? We must, if we want to continue the system of preventing the tap room proprietor from making a living. You must give this man a chance to make a living. If he doesn't have a chance to make a living, he will resort to evil ways.

If you vote for this amendment, you give to these licensees, these hotel licensees, these restaurant licensees, an opportunity to sell three bottles of beer or six bottles of beer to take out of the premises for consumption somewhere else. You give to those licensees the opportunity to sell liquor in original containers such as they purchased from the Liquor Control Board, and you give them the right to sell it up to a quart. You give them the right to sell it to be taken away from the premises and consumed elsewhere. Now, is it better to let the people buy the liquor in neighborhood stores? Is it better to let them buy their beer in neighborhood stores? Is it better for them to take it to their homes and consume it there than to sit some place and keep on consuming it so that they have to be carried home?

Now, under the old principle of the Brooks high license law, we permitted the licensees to sell beer up to a quart; we permitted them to sell liquor up to a quart. Shall we reestablish that custom? Shall we go back to that practice which was very fair and which produced very good results? I think, members of the House, this amendment is worthy of your most serious consideration and I ask you to vote "aye" for it.

Mr. BLUMBERG. Mr. Speaker and members of the House, when this bill was before us last week on second reading, you will recall that the gentleman from Philadelphia proposed a great number of amendments. At that time he urged the recommitting of the bill to committee because he said this bill never had consideration by the committee, that he had had no opportunity to present his amendments to the committee and that the bill

was railroaded out to the House. You will recall at that time I told you in objecting to the motion to recommit, whether we recommitted that bill or not, we would finally have these amendments before us at any rate.

Now, this bill was thoroughly considered by the Committee on Law and Order, of which the gentleman from Philadelphia, Mr. Sowers is a member. You will recall that last Wednesday evening this committee was in session upon the two liquor bills from half past eight until half past eleven. Mr. Sowers at that time proposed all of his amendments, and the committee at that time considered all of his amendments.

POINT OF ORDER

Mr. SOWERS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SOWERS. Mr. Speaker, I object to discussing what occurred in committee and especially what occurred there when a member, not of the committee, was permitted to be present as a courtesy to him.

The SPEAKER. The point of order is well taken and the gentleman will not divulge any of the proceedings in the committee.

Mr. BLUMBERG. Mr. Speaker and members of the House, these bills were recommitted to the committee in accordance with the motion of the gentleman from Philadelphia, together with all of the amendments offered on the floor of the House last week. This committee sat and gave a full consideration to all the amendments and I want to point out this one fact, that on page 22 of today's calendar, on second reading you will find a bill by Representative Moore which has as its provision the point raised in the amendments now before you, to wit, whether the retail licensee shall have the right to sell liquor by the quart. This is a highly controversial point. It has been felt that for the good of the entire system, the present bill ought not to be endangered because of his amendment. It was therefore the consensus of opinion that the House ought to have the right to express itself upon this subject in another bill, and leave this question, this highly controversial question, out of the main bill, so that in the interest of securing this great advance in the control system we should pass bill No. 2437, in the form before us with the correction of some slight typographical errors. The House may express its conviction upon this question on its vote on page 22, House Bill 919.

Might I say further that the question of giving the retail licensee the right to sell by the bottle was advanced mainly because of the convenience to the citizens who purchase the liquor. Under the present bill it is proposed to establish what is known as one man stores. The board has the right to provide for the number of hours that the store may be in operation. At the present time it contemplates the immediate establishment of at least 250 additional stores to provide for the convenience of the public. Here, we are going to lay down the principle that this system is going to produce revenue for the state, we are going to abolish the system and go back to the Brooks high license system. Personally I am in favor of the latter system, but as long as we do have the present system and there is no opportunity for its repeal at this session, I say to you we must make the purchase of liquor most convenient to the public by the establishment of the one man stores, which will further insure revenue to the state. Just so long as the appropriation for our old age assistance and our blind pensions are dependent upon the liquor store profits, then so long must we insure the state substantial revenue from the operation of the stores.

For that reason I ask you to vote down this amendment, and you will have the opportunity of expressing your opinion upon this subject by a vote upon House Bill 919 on page 22 of today's calendar.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I wish to add to the remarks of the gentleman from Philadelphia, Mr. Blumberg, stating that it was at the request, and when I say that it was at the request, it was not the direct request, but as the result of a statement made by the Pennsylvania Liquor Control Board at their public hearings that we purposely eliminated the sections by which licensees were given the right to sell up to a quart. It was the one portion of this act that they were particularly opposed to. They felt that if adopted it would be going back to the same system that existed under the Brooks high license law, the same system that gave rise to prohibition, and I submit to the members of the House that if they want to go back to those days they will vote for the amendment offered by my friend from Philadelphia. If they wish the present order continued as it is now they will vote down this amendment.

Mr. SOWERS. Mr. Speaker and members of the House, in answer to my friend, permit me to say this, he states that at least 250 new stores will be established in Pennsylvania. Do you imagine for a moment that 250 stores additional in Pennsylvania can take care of the liquor traffic? Do you want the state of Pennsylvania to pay exhorbitant rent for its stores? Do you want the state of Pennsylvania to pay exhorbitant prices for the fixtures and equipment of the stores? Do you want the state of Pennsylvania to further go into the rum business?

Now, members of the House, if the licensees can sell by the quart, then the expenditure of erecting, renting and equipping 250 or 500 stores will be saved to the Commonwealth. Where do the licensees obtain the liquor that they sell? Do they not get it from the liquor control board? Do they not pay the profit that the liquor control board demands of them? Does not the liquor control board get the benefit of the sales of liquors to the licensee?

Let me answer my friend's argument about old age assistance. I opposed this Liquor Control System in the session preceding this and in other sessions following, the different special sessions. Why did I oppose it? For the reason that was stated by Governor Earle, stated by the different Democratic spellbinders in this Commonwealth, that the State Liquor System would never be managed in such a way as to make a profit and pay any old age assistance. They have miserably fallen down. Their history has been bad. We heard the Governor of our Commonwealth come on the floor of this House and denounce the liquor control system. We have heard a demand for an investigation. If he had thought that this system was good why did he denounce it and demand an investigation? Now, members, your own leader, that is the Democratic party of this House, your own Democratic leader, has condemned it and has ordered an investigation, stating that it is profitless.

My friend argued that unless the Liquor Control Board has exclusive power to sell by the quart, prohibition will come back. Unless the Liquor Control Board mends its ways and improves its habits it will bring prohibition back

in a very short time. Was not the liquor control system originated and passed as an anti-prohibition measure? Was it not conceived by one of the dry Governors of our Commonwealth? Wasn't its real intent and purpose to make the people dissatisfied with liquor and bring about prohibition as fast as prohibition could be brought about?

Do any of you remember in the days of the Brooks high license law the kind of cabaret that we have today? Did all of the evils that tend to bring back prohibition,—did they exist before prohibition? Did they exist at the time of the Brooks high license law?

Members of the House, I ask you to vote "aye" upon this amendment, and I ask for a roll call.

Mr. EBERHARTER. Mr. Speaker and members of the House, this particular provision that Mr. Sowers wants placed in this bill was discussed many, many times by the sponsors of the bill, and it was very, very carefully considered in Committee, and I again say to the members of this House that every person who has had any experience whatsoever in the enforcement of the liquor acts and the beer acts of this Commonwealth is unalterably opposed to allowing this provision to go into the act. I ask the members of the House, especially the Democratic members of the House, to vote "no" on this amendment.

Mr. WITKIN. Mr. Speaker and members of the House, being one of the sponsors of the bill, I feel called upon to answer the gentleman from Philadelphia as to why I have changed my mind.

He has made what I consider improper references to persons having talked to the sponsors of the bill. Certainly, persons have talked to the sponsors of the bill. I have talked to the members of the Liquor Control Board and I have talked to divers persons throughout the Commonwealth.

I want to say to the membership of this House that one would imagine from the remarks of the gentleman from Philadelphia that the Commonwealth sends out persons who seek to grab hold of the six hundred dollars belonging to a licensee, and saying to that person, "Come to the Liquor Control Board and ask for a license." When a man pays six hundred dollars knowing that which he is going to receive for his six hundred dollars, the Commonwealth is not depriving him of anything. If I pay six hundred dollars to get a license, and I know that I do not have the right to sell by the bottle, I am not being defrauded by the Commonwealth. I get that which I pay for, no more and no less. It is a specious argument to say that the Commonwealth is robbing or defrauding or taking from the licensee something that he ought to have. Do you for one moment suppose that if we do not permit a licensee to sell by the bottle, that nobody is going to apply for a liquor license? The answer to that is that today when they do not have that right, there are more applications for liquor licenses than the Board grants. People do not invest money to suffer a loss. A licensee does not pay six hundred dollars unless he is making a profit, at least he does not renew his application for a license, and the argument is raised that the profit ought to go to the licensee. I say that the profit ought to go for old age assistance, the profit ought to go to the blind, and to the indigent of Pennsylvania, and that the sixteen and two-third percent profit that is paid out of the sale by the bottle rightfully belongs within the coffers of the Commonwealth of Pennsylvania, there to be used for the people who need it the most. I say there is a sufficient profit for those who indulge or engage in the business of selling liquor, and I believe that the opening of the stores will increase to the Commonwealth the revenue and will increase the profit to the Commonwealth, as experience has shown. Therefore, I ask the members of the House to vote down the amendments of the gentleman from Philadelphia, Mr. Sowers.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I wish to correct the statement made by the gentleman from Philadelphia, Mr. Sowers, in stating the license fee at six hundred dollars. I point out to the members of the House that on page 26 they will find that the license fee remains as it was heretofore, and that it varies from $150 to $600. I point out to the members of the House that this fee is the fee that has been charged heretofore to the licensee for the right to sell for consumption on the premises, and I have heard no great objection from the licensee as regards that particular fee. I also wish to point out to the members that the Liquor Control Board anticipates that in the event that that they retain control of the retail trade and are allowed to open the so-called one-man stores that the amount of business will increase from forty million dollars to seventy million dollars per year. I might add, that they believe that they can operate those stores for a cost of six and two-third percent of the sixteen and two-third percent discount granted to licensees saving ten percent which of course will go to the aged, and the blind.

I do particularly wish to resent the statement of the gentleman from Philadelphia, Mr. Sowers, when he states that Pennsylvania is going into the rum business. I point out to the members of the House that we are trying to keep the government in control and regulate the rum business and not go into it. I, therefore, ask that this amendment be defeated.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SOWERS and Mr. SCHWARTZ, and were as follows:

YEAS—54

Altenburg,	Green,	McDevitt,	Sproul,
Baldi,	Greenstein,	McElroy,	Stank,
Barnhardt,	Habbyshaw,	McKinney,	Stockham,
Bernhard,	Hagerty,	Moore,	Stott,
Cannon,	Hamilton, R. S.,	Muir,	Tahl,
Carr,	Hart,	Perry,	Terry,
Chervenak,	Hefferon,	Reynolds,	Trout,
Cochran,	Hirsch,	Roan,	Wasserman,
Condon,	Jackson,	Root,	White,
Conner,	Jones,	Schrope,	Wickersham,
Denning,	Kinney,	Schwartz,	Woodside,
Downey, J. J.,	LaRue,	Shortz,	Yeakel,
Flanagan,	Linderman,	Siegel,	Zimmerman,
Forrest,	McDermott,	Sowers,	

NAYS—143

Achterman,	Downey, G. E.,	Male,	Scanlon,
Alexander,	Duffort,	Mallen,	Schrock,
Allen,	Eberharter,	McCreary,	Shaw,
Andrews,	Falkenstein,	McHenry,	Shepard,
Arnold,	Ferko,	Melchiorre,	Shreiner,
Atkins,	Finnerty,	Mentzer,	Simon,
Aukerman,	Fitch,	Merrell,	Sinwell,
Baine,	Flinchbaugh,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Furman,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gates,	Moran,	Snyder, F. E.,
Barber,	Gerard,	Moul,	Snyder, J. L.,
Blumberg,	Gillette,	Munley,	Spangler,
Boose,	Haberlen,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Sumney,
Brennan,	Harmuth,	Ominsky,	Surface,
Brown, H. S.,	Hartman,	O'Neill,	Tronzo,
Brown, J. E.,	Hermansen,	Panton,	Tumelty,

Brownfield,	Hetrick,	Parks,	Turner,
Brumbaugh,	Hindman,	Patterson, C.,	Van Allsburg,
Burke,	Holland,	Patterson, J. W.,	Van Sickle,
Caputo,	Holstrom,	Pearson,	Walker,
Carson,	Hoopes,	Peters,	Wall,
Castor,	Horst,	Pfaff,	Weidemann,
Coakley,	Kane,	Phillips,	Weiss,
Cohen,	Kelder,	Piole,	Welliver,
Coleman,	Kelso,	Powers,	Welsh,
Coolahan,	Kilroy,	Reising,	Westrick,
Cordier,	Klingler,	Rhys,	Winner,
Davies,	Kobelak,	Rinn,	Witkin,
Decker,	Long,	Robinson,	Wood,
Dent,	Longaker,	Ruffennach,	Yourishin,
Diehl,	Lovett,	Ruth,	Zappala,
Dilley,	Lynch,	Sarraf,	Sarig,

So the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Sowers will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section one, page 37, section 414, line 26, by striking out the word "five" and inserting in lieu thereof the word "two"

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, I will be very brief. The amendment provides for the reduction of the license fee from five hundred dollars to two hundred dollars. If anybody can make five hundred dollars a year selling wines to churches, he is a good one.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

The SPEAKER. The amendments offered by the gentleman from Philadelphia, Mr. Sowers, will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section one, page 39, section 415, line 4 by striking out the word "thousand" and inserting in lieu thereof the word "hundred"

Amend Section 1, page 40, Section 415, line 2, by striking out the word "Pennsylvania"

On the question,

Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker and members of the House, the present license fee in the bill for an importer is one thousand dollars. The bill as it came out of committee provides for a tax of ten cents per case on goods imported into the Commonwealth. In view of the fact af the extra tax per case, it seems to me that the license fee of the importer of one hundred dollars is sufficient.

Now, the object of the two amendments is to encourage home manufacture. At the present time the Liquor Control Board purchases seventy-five percent of its supply from manufacturers without the State, and possibly forty percent of its supply from Canada. It is my belief, and I ask you to vote accordingly that they ought to patronize the distillers of Pennsylvania in preference to those of Canada and I ask you to vote "aye" on this amendment.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

The SPEAKER. The amendments offered by the gentleman from Delaware, Mr. Sproul, will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 39, line 3, by striking out the brackets before and after the word "hundred" and strike out the word "one" and insert in lieu thereof "five"

Amend sec. 1, page 39, line 4, by striking out with heavy-faced brackets the word "thousand"

On the question,

Will the House agree to the amendments?

Mr. SPROUL. Mr. Speaker and members of the House, I have taken this floor before in the interest of the Pennsylvania business men. I am interested that the Pennsylvania business men be not placed at a disadvantage with those of other states and should be somewhere on an equal basis of competition. There are a number of importers in Pennsylvania who are somewhat handicapped by reason of the fact that their local markets are afforded to the monly by sales to the State Liquor Control Board. Any increase in license fee is only a further handicap, as importers of other states can then take advantage of it by lower license fees. The only reason for any importer's license in Pennsylvania is to control and bring into the state any whiskey in bulk, which will be blended or bottled and sold as such. Therefore, I believe that the license fee should only be nominal and that the Pennsylvania importers should not be placed at a disadvantage in comparison with those of other states. I ask the members of the House to support this amendment.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the nays appeared to have it.

Whereupon, a division was called for, fifty-eight members having voted in the affirmative, and seventy-five in the negative the question was determined in the negative and the amendments were not agreed to.

The SPEAKER. The amendments offered by the gentleman from Delaware, Mr. Sproul, will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 39, line 15, by striking out with heavy-faced brackets, the words "Every importer shall pay"

Amend sec. 1, page 39, lines 16 to 29, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend sec. 1, page 40,, lines 1 to 6, by striking out with heavy-faced brackets all of said lines, both inclusive

On the question,

Will the House agree to the amendments?

Mr. SPROUL. Mr. Speaker and members of the House, I ask you to vote "aye" on this amendment, because the distillers, rectifers and importers without the state can ship in without paying the ten cent fee, whereas the Pennsylvania importer has to pay the ten cent fee. I see no reason why we should impose that differential on the Pennsylvania business men, and again I ask you to support this amendment.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER declared the nays appeared to have it.

Whereupon a division was called for, fifty-one members having voted in the affirmative, and sixty-two in the negative, the question was determined in the negative and the amendments were not agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Blumberg, will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 602, par. 1, page 46, line 6, by striking

out the words "original cost", and inserting in lieu thereof the words "actual value".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 The board shall have power to extend existing licenses granted under the act to which this is an amendment for such period of time as to it may appear proper and to provide for the payment of license fees for such period on the schedule of fees provided in this act in order to put into effect the system of staggered license dates provided for in this act and shall have power to terminate such extensions in any licensing district at any time when arrangements have been completed and licenses issued in such district

In the event the board shall establish license districts in any of which the license year for a district shall begin prior to January first one thousand nine hundred and thirty-six all holders of hotel restaurant or club liquor licenses in such districts shall file written applications with the board for licenses for the ensuing license year in accordance with board regulations and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unused portion of the license fee paid by such licensee for the year one thousand nine hundred and thirty-five In the event any licensee shall be refused a license by the board for the ensuing license year for the district in which his licensed place is located his license shall continue in force for the remainder of the calender year one thousand nine hundred and thirty-five unless revoked or suspended In the event that any person who at the time of the final enactment of this act is the holder of a hotel restaurant or a club liquor license shall fail to apply for a license at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located the holder of such license shall unless his license shall be revoked or suspended continue to operate until the expiration of the license year for which his license issued but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January one thousand nine hundred and thirty-six

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON SECOND READING ON HOUSE BILL NO. 2436

The SPEAKER. If there are no objections the Chair will take up next the special order on second reading on House Bill No. 2436, on page 3 of the calendar. The Chair hears none and lays before the House the special order on second reading on House Bill No. 2436.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 75 1933-34) are hereby amended to read as follows

An Act to regulate and restrain the traffic in malt [liquors] and brewed beverages as herein defined providing for the licensing of the sale and distribution of such [liquors] beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such [liquors] beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers the Department of Revenue] the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the ["Malt Liquor License Law"] "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt [liquor"] or brewed beverage" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquors may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons [holding permits issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board of this Commonwealth] holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase and resale of malt [liquors] or brewed beverages in the original sealed packages as prepared for the market by the manufacturer but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "retailer" means and includes persons licensed to engage in the retail sale of malt [liquors where the consumption thereof is upon the premises of such vendor with the privilege of selling malt liquors to be carried from the premises by the purchaser thereof only however in the original containers] or brewed beverages as follows

(1) "Retail Dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licenses with the privilege of selling malt or brewed beveraged in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(f) The term "original containers" means and includes bottles casks kegs or other containers that have been securely capped sealed or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(h) "Eating place" means a premise having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(i) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(j) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(k) The term "manufacturer" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(l) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least eight and in any other place at least four permanent bed rooms for the use of guests and a public dining room or eating place operated by the same management having a total area in one or more rooms of not less than three hundred square feet and accommodating at least thirty persons at one time

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt [liquor] or brewed beverages unless such [person] vendor holds a valid [malt liquor retail license] Retail Dispenser License issued under this act by the [treasurer] board or a valid license issued under any other act authorizing the sale of spirituous and vinous [and malt] liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another any malt [liquor] or brewed beverages not for consumption upon the premises where sold unless such person holds a valid [manufacturer's permit issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board or a valid distributor's or retailer's malt liquor license issued by the treasurer] license issued by the board permitting such sale

Section 5 [Malt Liquor Distributors' Licenses The treasurer shall issue to any person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a malt liquor distributor license for the place at which such person desires to sell malt liquors not for consumption on the premises where sold] Manufacturers' and Distributors Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturerer's license issued by the board The Board shall issue to any person of good repute who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original packages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth The application for such license shall contain the name and address of the Applicant together with information concerning the size capacity equipment and location of all plants or places of storage to be used for the purposes of such license and where Applicant is a Corporation the names and addresses of all officers and Directors of the Corporation a statement that the corporation is organized or registered under the laws of the Commonwealth and that all officers and directors are citizens of the United States and that at least fifty-one per centum of the capital stock of the Corporation is owned by persons who are citizens of the United States and such other necessary information as the board shall require All such licenses shall be granted for the calendar year and where a license runs for less than the full calendar year the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the

names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original packages as prepared for the market by the Manufacturer Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable Corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania

Section 6 Malt [Liquor] and Brewed Beverage Retailer's Licenses (a) Subject to the restrictions hereinafter provided the [treasurer] board shall issue to a person who conducts a reputable hotel or any reputable incorporated club [whatsoever] or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a [malt liquor retailer] retail dispensers license for such place

Such licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

No [malt liquor retailer] retail dispensers license shall be granted [for the sale of malt liquors for consumption on the premises] in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt [liquors] or brewed beverages may be sold for consumption on the premises where sold

Such licenses shall be issued only to reputable persons engaged in the sale of food or beverages who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their applications or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of such Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application

Section 7 Appeals from Refusal of Licenses Any person aggrieved by the [treasurer's] refusal of the board to issue a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date or refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the [treasurer] board whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the [treasurer who] Board which shall be represented in the proceeding by the [district attorney] Department of Justice At said hearing testimony may be presented by the applicant and the [treasurer] board after the consideration of which the court shall either sustain the refusal of the [treasurer] board or order an issuance of the license to the applicant There shall be no further appeal

Section 8 Public Service [Malt Liquor] Licenses The [Department of Revenue] board may issue public service malt [liquor] and brewed beverage licenses to a railroad pullman or steamship company permitting malt [liquors] or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding months and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The [Department of Revenue] board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the [Department of Revenue] board in refusing suspending or revoking any such license may within thirty days thereafter appeal to the court of common pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the [Department of Revenue] board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the [department] board as to it shall appear just The action of the court shall be final

Section 9 [Malt Liquor] License Year Mercantile License Exemption (a) Licenses issued under this act to distributors [retailers and public service companies] retail licenses shall unless revoked in the manner provided in this act be valid for the [malt liquor] license year [for which they are issued The malt liquor license years shall begin on June first in each calendar year Licenses may be issued at any time during a malt liquor license year] as set up by the board for the particular district in which the license issues

(b) Licenses issued under this Act to Manufacturers and Public Service Companies shall unless revoked in the manner provided in this Act be valid for the calendar year for which they are issued Licenses to manufacturers and Public Service Companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt [liquors] or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt [liquors] or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' and Retailers' Licenses Every person intending to apply for a distributor's [or retailer's] retail license as aforesaid in any municipality or township of this Commonwealth shall file with the [treasurer] board his or its application at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act and at the same time pay said [treasurer] board [a] the filing fee of ten dollars [for the use of the county] as specified in this act

Section 11 Application for Distributor's and Retailers' Licenses Application for distributors' and retailers' [malt liquor] licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there [and if an individual the residence of such applicant] and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a Distributors license and the applicant therefor is a Corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one percentum of the capital stock of the Corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of the Pennsylvania stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter [temporarily] permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter [temporarily] permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt [liquors] or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt [liquors] or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt [liquors] or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the [treasurer] board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the Board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retailer dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt [liquors] or brewed beverages but a separate license must be secured for each place where malt [liquors] or brewed beverages are sold [or where orders are taken]

(b) No person shall possess or be issued more than one distributor's license [in any one municipality or township nor shall any] no person shall possess or be issued more than one class of license No distributor shall maintain or operate any place or places whether for sale or for storage other than [that] those for which the license is granted [where malt liquors are sold or where orders are taken] No distributor's license shall be issued for any premises in any part of which there is operated any other license for the manufacture sale or storage of liquor alcohol or malt or brewed beverages

(c) Licenses shall be granted by the [treasurer] board only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals

[Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding or to corporations organized in or duly authorized to transact business in this Commonwealth and all of those officers and directors shall be citizens of the United State who have also been residents of this Commonwealth for at least three years immediately preceding the applications for license]

A [malt liquor] retail license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residential district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed for the sale of malt or brewed beverages at the time of the final enactment of this act

Section 13 Revocation and Suspension of Licenses [by Court of Quarter Sessions] After a license has been granted upon petition of the Attorney General the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the court of quarter sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt liquors or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said license issued by the treasurer The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of five years from the date his license was revoked]

Upon the Petition of the Attorney General the District Attorney of any County or in the case of a Retail license upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of beverages or relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act In all cases where the Board shall suspend or revoke a license it shall set forth its Finding of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of license issued under this Act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such Appeal shall be upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the Petition by the Court after ten days notice to the Board which shall be represented in the proceedings by the Department of Justice after the consideration of which the Court shall either sustain the suspension or revocation of the license modify or reverse the order of the Board in all such cases of Appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such Appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final In no case shall an Appeal from the action of the Board in either suspending or revoking a license act as a supersedeas

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The [treasurer] board is hereby authorized to transfer any [distributor's or retailer's malt liquor] license from one person to another or from one place to another or both within the same municipality or township as the [treasurer] board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally [Any such transfer of a license may be made at any time] or to a place as to which a license has been revoked within one year of the date of application Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the Board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the Board From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action or shall have a Receiver appointed by any Court whether by voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the Board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license In all such cases the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee [Applications for any such transfer shall be filed in the office of the county treasurer at least one week before the transfer is made] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except [a fee of ten dollars to be paid to the treasurer for the use of the county] a filing fee of ten dollars ($10)

Section 16 Renewal of Licenses [Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided and the payment of a fee of ten dollars for the use of the county and the payment of the license fee and the filing of a bond as in the case of an original license]

All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless within one month of the date of filing of such application for renewal the Applicant shall have been notified by the Board of objections to the granting thereof filed by persons authorized so to do upon the payment of the requisite filing fee the payment of the license fee and the filing of a Bond as in the case of an original application for license the Board shall grant such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file Petitions for the revocation or suspension of licenses as provided in Section Thirteen hereof

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor or retailer of either class or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed and with sufficient sureties either personal or a surety company authorized to do business in this Commonwealth Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Such bonds shall not be accepted until approved by the [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies] board

All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the [sale of beverages or relating to] the manufacture sale possession or transportation of malt or brewed beverages [of] or alcohol or any other alcoholic beverages [Such] All bonds shall be filed with and retained by the board [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies The penal sums of such bonds filed by a distributor or retailer shall be one thousand dollars for each place at which the licensee is authorized to sell beverages The penal sums of such bonds filed by railroad pullman or steamship companies shall be one thousand dollars irrespective of the number of licensed cars or ships operated by such companies] The penal sum of Bonds filed by the Manufacturers shall be Ten Thousand ($10,000.00) Dollars for each place at which the licensee is authorized to manufacture The penal sum of Bonds filed by Distributors shall be one thousand ($1,000.00) dollars for each place which the licensee is authorized to maintain The penal sum of bonds filed by all other licensees shall be one thousand ($1,000.00) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand ($1,000.00) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond shall be forfeited when a license is revoked and shall be turned over to the [district attorney or the] Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked as herein provided

Section 19 License Fees Distribution of Revenue No license shall be issued to any manufacturer distributor or [retailer] retail dispenser until the licensee shall have first paid an annual license fee for such grant as follows

[(a) In the case of a distributor the license fee shall be graduated according to the population of the municipality or township in which the place of business is located and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants thirty-seven dollars and fifty cents

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants fifty dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants seventy-five dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants one hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants one hundred and twenty-five dollars

VI In those having a population of one hundred fifty thousand and more one hundred fifty dollars

(b) In the case of a retailer the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants seventy-five dollars]

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants one hundred dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants one hundred and fifty dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants two hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants two hundred and fifty dollars

VI In those having a population of one hundred fifty thousand and more three hundred dollars

(c) In the case of an incorporated club the fee shall be twenty-five dollars in all cases

(d) In the case of a public service license for the sale of malt liquors in dining club and buffet cars the fee shall be ten dollars for each car on which malt liquors are sold and shall be paid to the State Treasurer through the Department of Revenue

(e) In the case of a public service license for the sale of malt liquors on a boat or vessel the fee shall be fifty dollars for each such vessel or boat which shall be paid to the State Treasurer through the Department of Revenue

(f) The fees for distributor retail and public service company malt liquor licenses when applied for and issued on or after

September first but prior to December first shall be three-fourths of the annual fee

December first but prior to March first of the succeeding year shall be one-half of the annual fee

March first but prior to June first one-fourth of the annual fee]

[The license fees fixed by this section shall be paid before the license or renewal is issued

The fees for distributors' and retailers' malt liquor licenses shall be paid by the treasurer to the municipalities and townships in which the licensed places are located for the use of such municipalities and townships The fees for public service malt liquor licenses shall be for the use of the Commonwealth

Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee]

(a) In the case of a Manufacturer the license fee shall be one thousand ($1,000.00) dollars for each place of manufacture and three hundred ($300.00) dollars for each separate place of storage and shall be paid to the Board In the case of a manufacturer who maintains no place of manufacture within the Commonwealth the license fee shall be one thousand ($1,000.00) dollars for a place of storage and three hundred dollars for each additional place of storage and shall be paid to the Board

(b) In the case of a Distributor the license fee shall be four hundred ($400.00) dollars and shall be paid to the Board

(c) In the case of a Retail Dispenser [and Package Retailer] the license fee shall be graduated according to the population of the Municipal unit or township in which the place of business is located and shall be paid to the Board as follows

	Retail Dispenser
(a) Less than 10,000	$100
(b) 10,000 and more but less than 50,000	150
(c) 50,000 and more but less than 100,000	200
(d) 100,000 and more but less than 150,000	250
(e) 150,000 and more	300

(d) In the case of an incorporated Club the fee shall be Twenty-five Dollars in all cases and shall be paid to the Board

(e) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(f) In the case of a Public Service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(g) The fee for filing applications for license and for renewals shall be ten dollars which together with fees fixed by the board for transfers shall be paid to the board

(h) The license fees fixed by this Section shall be paid before the license or renewal is issued

(i) The fees for Manufacturers Distributors Public Service Retail Dispensers and Package Retail licenses and all filing fees shall be transmitted to the State Treasurer by the Board The fees for manufacturers distributors and public service licenses and filing fees shall be paid unto the State Stores Fund Fees paid for Retail Dispensers and Package Retailers licenses shall be paid by the Treasurer of the Commonwealth into the Liquor License Fund for the use of Municipalities and Townships in which the licensed places are located and shall be paid over to such municipalities and townships at the same time as other moneys in the Liquor License Fund

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt [liquors] or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt [liquors] or brewed beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate any place or places other than the place or places covered by [him] his or its [permit] license where malt [liquors] or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors No distributor shall purchase receive or resell any malt [liquors] or brewed beverages except in the original containers as prepared for the market by the manufacturer No distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided that no malt [liquors] or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purpose by such distributor

Section 22 Sales by Retailers (a) No retailer shall purchase or receive any malt [liquors] or brewed beverages except in original containers [and thereafter may] as prepared for the market by the manufacturer The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for [use and] consumption [only however in and upon the premises so licensed Provided however That such retailer may sell such malt liquors in the original containers to be carried from the premises by the purchaser thereof] on or off the premises so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises And provided further That no club licensee may sell any beverages for consumption off the premises where sold

(b) No package retailer shall purchase or receive any malt or brewed beverages except in original containers as packaged for the market by the manufacturer Thereafter he may sell or dispense the same only in original containers to be carried from the premises by the purchaser thereof and not to be consumed upon the premises of the package retailer or in any place provided for such purpose by such package retailer No package retailer may sell to a single customer in a single sale more than seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises

No retailer shall [maintain] [any bar at which malt liquors are served to customers or] sell any malt [liquors] or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit [the sale of malt liquors at a lunch counter with seats or chairs permanently fastened thereto if such counter is in an eating place as herein defined A retailer licensed to sell] a retail licensee from selling malt [liquors] or brewed beverages in a hotel or club house [may however sell and deliver such malt liquors] in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

Section 23 Unlawful [Sales] Acts It shall be unlawful [for any licensee or his or its servants agents or employes

(a) To sell trade or barter in malt liquors between the hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday

(b) To sell furnish or give any malt liquors to any person visibly intoxicated or to any insane person or to any minor

(c) To sell furnish or give any malt liquors to any person on any day on which a general municipal special or primary election is being held

(d) In the case of retailers to sell or offer to sell any malt liquors for consumption on the premises where sold to any person on credit excepting credits extended by a hotel or club to a bona fide registered guest or member No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause

(e) To sell offer to sell or furnish any malt liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for malt liquors

(f) To hawk or peddle any malt liquors in this Commonwealth

(g) To manufacture import sell trade or barter in any spirituous vinous or other alcoholic liquors except malt liquors]

(a) For any manufacturer or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(b) For any package retailer or retail dispenser except clubs or the servants agents or employes of such licensees except clubs to sell trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any day

(c) For any licensee to sell furnish or give any beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(d) For any licensee except a club to sell furnish or give any malt or brewed beverages to any person until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(e) For any licensee to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a Hotel or Club to bona fide registered guests or members No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the Manufacturer Distributor or other Vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the beverages so sold are actually transported and delivered to points outside of the Commonwealth

(f) For any licensee to sell offer to sell or furnish any beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(g) For any licensee except a manufacturer on his own premises to advertise on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage unless the actual value thereof shall be not more than seventy-five dollars ($75.00)

(h) For any manufacturer or distributor to give furnish or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular beverage or the manufacturer producer or place of manufacture or production of any beverage unless the actual value thereof shall not exceed twenty-five dollars

(i) For any licensee to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the Manufacturer or place of production of the said beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(j) For any retail dispenser to furnish or serve any malt or brewed beverages from any faucet spigot or other

dispensing appartus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing aparatus

(k) For any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such beverage was produced This clause shall not be construed to prohibit a manufacturer from desigating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another State or territory when the laws of such State or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(l) For any retail licensees except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any Retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The Board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(m) For any "Distributor" on the licensed premises to engage in any other business whatsoever except the business of distributing malt or brewed beverages or non-intoxicating beverages

(n) For any Distributor Retail Dispenser or Package Retailer to have in his possession on any licensed premises or to permit the storage on the licensed premises of any spiritous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

(o) For any licensee to manufacture import sell trade or barter in any spiritous vinous or other alcoholic liquors or alcohol except Malt or Brewed beverages

(p) For any licensee to issue publish or post or cause to be issued published or posted any advertisement of a malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(q) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

(r) For any licensee to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

(s) For any licensee to offer pay make or allow or for any licensee to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages manufactured or sold by the licensee

(t) For any licensee to fail to keep for a period of at least two years complete and truthful records covering the operation of his license and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(u) For any licensee to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(v) For any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(w) For any person to hawk or peddle malt or brewed beverages or to distribute malt or brewed beverages unless an order therefor has been previously received

(x) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture storage transportation or sale or spirituous or vinous liquors alcohol or malt or brewed beverages

(y) For any manufacturer or distributor to sell any malt or brewed beverages for use or delivery within the Commonwealth unless such manufacturer or distributor shall have posted with the Liquor Control Board in accordance with regulations to be promulgated by the Liquor Control Board a price list which shall set forth

(1) All of the brands and types of malt or brewed beverages containing more than one-half of one per centum of alcohol by volume offered for sale by such manufacturer or distributor

(2) The sale price thereof to the various classes of licensee provided for in this act Provided That any manufacturer or distributor may change such postings at any time

Section 24 Things of Value Not to Be Offered [for the Return of Certain Articles] It shall be unlawful for any person licensed to sell malt [liquors] or brewed beverages to offer or give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt [liquors] or brewed beverages or to offer or give anything of value as a premium or present to induce the purchase of such malt [liquors] or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt [Liquors] or brewed beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt [liquors] or brewed beverages from that as originally marketed by the manufacturer

Section 26 Transportation in Original Packages It shall be unlawful for any licensee or transporter for hire to transport any malt [liquors] or brewed beverages except in the original containers

Section 27 Delivery Vehicles to Bear Name and Address of Distributor or Manufacturer It shall be unlawful for a manufacturer or distributor to deliver any malt [liquors] or brewed beverages excepting in vehicles bearing the name and address and license number of such distributor or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor [or retailer] retail dispenser or package retailer or an officer director or stockholder or creditor of any distributor [or of any retailer] retail dispenser or package retailer nor except as hereinafter provided be the owner proprietor or lessor of any place covered [by] directly or indirectly by any [malt liquor distributor or malt liquor retail] distributor's retail dispensers or package retailer's license or retail liquor license

(b) No distributor and no officer or director of any distributor shall at the same time be a manufacturer or retailer or be an officer director stockholder or creditor of a manufacturer or retailer or be the owner proprietor

or lessor of any place covered by any other [malt] [liquor] malt or brewed beverage or liquor [retail] license

(c) No manufacturer or distributor or retailer licensed under this act shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this or any other act

(d) Excepting as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage lien against the same for which a [malt liquor retail] liquor retail dispensers or package retailers license is granted nor shall a manufacturer or distributor either directly or indirectly lend any moneys credit or equivalent thereof to any retailer in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business [where malt liquors are licensed for sale and consumption upon the premises excepting only the usual and customary commercial credits for malt liquors sold and delivered] operated under a liquor retail dispenser's or package retailer's license excepting only the usual and customary credits allowed for returning packages or containers in which malt or brewed beverages were packaged for market by the manufacturer

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or mortgage lien against the same for which a [malt liquor distributor] distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to any distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt [liquors] or brewed beverages are licensed for sale by a distributor excepting only the usual [and customary commercial credits for malt liquors sold and delivered] credits allowed for the return of packages or containers in which malt or brewed beverages were originally packaged for the market by the manufacturer

(f) "No Distributor Retail Dispenser or Package Retailer shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributors retail dispensers or package retailers license excepting only the usual and customary credits allowed for the return of packages or containers in which malt or brewed beverages were packaged for the market by the Manufacturer"

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest [until January first one thousand nine hundred and thirty-six by a manufacturer of any place occupied by a distributor or retailer if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act] by a manufacturer of any place occupied by a distributor retail dispenser or package retailer after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this Act

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt [liquor] or brewed beverages outside of this Commonwealth

Section 29 Penalty (a) Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine not exceeding five hundred dollars ($500) Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction shall be sentenced to imprisonment for a term of not more than one year

(b) Upon proof being made that any licensee under this Act has violated any of the provisions of this Act the Board may in its discretion revoke or suspend any license issued by it to any such licensee The right of the Board to suspend or revoke rights as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this Section

Section 30 [Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein]

Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 31 Local Option In any municipality or town-

ship an election may be held but not oftener than once in four years on the date of any municipal election to determine the will of the electors with respect to the granting of licenses to [retailers of malt liquors] retail dispensers under the provisions of this act Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt [liquor] and brewed beverage retail licenses for consumption on premises where sold in the of	Yes	
	No	

If a majority of the persons voting on such question vote "yes" then malt [liquor] and brewed beverage retail licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any [malt liquor retail] retail dispenser's licenses in such municipality or township under the provisions of this act

No [retail malt liquor] such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P L 252) and its amendments voted prior to the adoption of this amendment against the granting of retail beverage licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 32A Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 32B (a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributors' licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) All licenses issued to retailers for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the date fixed by the board for the beginning of the license year in the district in which the said retail license is located In the event the person to whom a retailer's license has been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be issued a retail dispenser's license for the ensuing license year for the district in which his licensed place is located such person shall be allowed a credit on the license fee for the license year for such district for the unused portion of the license fee which he has paid In the event a person to whom a retailer's license shall have been issued prior to the effectiv date of this act and whose license remains unrevoked on that date shall apply for and be refused a retail dispenser's license for the ensuing license year for the district in which his licensed place is located the license theretofore issued to such retailer shall continue in force until the expiration of the license year for which issued unless previously revoked or suspended In the event that a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall fail to apply for a retail dispenser's license at the time to be fixed by the board for the filing of applications for the ensuing license year for the district in which such person's licensed place is located the license heretofore issued to such person shall continue in force until the first day of June one thousand nine hundred and thirty-six but such person shall not be eligible to apply for a retail dispenser's license in the district in which the licensed place is located until the expiration of one year after June first one thousand nine hundred and thirty-six

(d) Upon final enactment of this act the board is authorized to issue package retail licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fee at the schedule of rates herein set forth said fee to be determined on a monthly basis

On the question,

Will the House agree to the section?

Amendments were offered by Messrs. EBERHARTER and SOWERS.

The SPEAKER. The amendments offered by the gentleman from Allegheny, Mr. Eberharter, will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 12, Lines 7 to 25 inclusive by striking out with heavy brackets all fo said lines.

Amend Section 1, Page 14, Line 19, by inserting after the word "distributors" the following word: "and"

Amend Section 1, Page 14, Line 20, by striking out with heavy brackets the word "licenses"

Amend Section 1, Page 32, Line 18, by inserting after the partial word "ice" and before the word "Retail" where it first appears in said line the following word: "and"

Amend Section 1, Page 32, Line 18, by striking out with heavy brackets the words "Dispensers and Package Retail"

Amend Section 1, Page 32, Line 22, by striking out with heavy brackets the words "and Package Retailers"

Amend Section 1, Page 34, Lines 8 to 18 inclusive by striking out with heavy brackets all of said lines.

Amend Section 1, Page 36, Line 9, by striking out with heavy brackets the following "package retailer or"

Amend Section 1, Page 40, Line 6, by striking out with heavy brackets the following "Retail Dispenser" and by striking out with heavy brackets on the same line the word "Package"

Amend Section 1, Page 44, Line 8, by inserting after the word "distributor" the following word "or"

Amend Section 1, Page 44, Line 9, by striking out with heavy brackets the words "or package retailer"

Amend Section 1, Page 44, Line 10, by inserting after the word "distributor" the following word "or"

Amend Section 1, Page 44, Line 11, by striking out with heavy brackets the words "or package retailer"

Amend Section 1, Page 44, Line 14, by inserting after the last word in said line "distributors" the following word "or"

Amend Section 1, Page 44, Line 15, by striking out with heavy brackets the words "or package retailers"

Amend Section 1, Page 44, Line 26, by striking out with heavy brackets the words "or any other"

Amend Section 1, Page 45, Line 4, by inserting after the word "liquor" the following word: "or"

Amend Section 1, Page 45, Lines 4 and 5 by striking out with heavy brackets on line 4 the word "or" and on line 5 the words "package retailers"

Amend Section 1, Page 45, Line 13, by inserting after the word "liquor" the following word "or"

Amend Section 1, Page 45, Line 13, by striking out with heavy brackets the following "or package retailers' "

Amend Section 1, Page 46, Line 3, by inserting after the word "Distributor" the following word "or"

Amend Section 1, Page 46, Lines 3 and 4, by striking out with heavy brackets on line 3 the word "or Package Re-" and on line four the partial word "tailer"

Amend Section 1, Page 46, Line 16, by inserting after the word "distributors" the following word "or"

Amend Section 1, Page 46, Line 16, by striking out with heavy brackets the words "or package retailers"

Amend Section 1, Page 47, Line 5, by inserting after the word "distributors" the following word "or"

Amend Section 1, Page 47, Line 6, by striking out with heavy brackets the words "or package retailer"

Amend Section 1, Page 55, Line 8 to 15 inclusive by striking out with heavy brackets all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to.

The SPEAKER. The amendments offered by the gentleman from Philadelphia, Mr. Sowers will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section one, page 4, section 2, line 24 and 25 by striking out the words:—"Two hundred and eighty-eight" and inserting in lieu thereof the word "Thirty-six"

Amend section one, page 10, section 5, line 11 by striking out the words "Two hundred and eighty-eight" and inserting in lieu thereof the words "Thirty-six"

Amend section one, page 11, section 5, line 5 by striking out the words "Two hundred and eighty-eight" and inserting in lieu thereof the words "Thirty-six"

On the question,

Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker and members of the House, the amendment presented is very trivial and yet important. The distributor can only sell a box or a case under the bill. There ought to be provisions for the distributor who runs a neighborhood establishment and sells cold beer, to sell three bottles, and the amendment permits such a distributor to sell three bottles of beer at one time. I would ask you to vote for the amendment.

Mr. EBERHARTER. Mr. Speaker and members of the House, it was the thought of the sponsors of the bill that a distributor is really a wholesaler and should not cut into the business of the retailer. We therefore made it so that the distributor was unable to sell less than one case of beer, which is twenty-four pints. If you adopt this amendment, you will have the distributor cutting in on the retailer. I ask the members of the House to vote "no" on this amendment.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

The SPEAKER. The amendment offered by the gentleman from Philadelphia, Mr. Sowers will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section one, page 31, section 19, line 11 by striking out the words "Four hundred ($400.00)" and inserting in lieu thereof "Two hundred ($200.00)"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

Section 3 The act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled "A Supplement to the act approved the twenty-seventh day of March one thousand nin hundred and twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisance sand repealing existing alcoholic liquor laws and alcoholic liquor license laws' providing for the registering of federal permits also regulating under permit through a Pennsylvania Alcohol Permit Board created in the Department of Welfare the manufacture production distillation development use in manufacture denaturization redistillation recovery reuse holding in bond holding in storage by bailees for hire sale at wholesale and transportation for hire of any alcohol or alcoholic liquid by certain persons also providing for fees and the disposition thereof also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" and the amendments thereto are hereby repealed in so far as the same relate to the manufacture transportation and sale of malt and brewed beverages and malt liquors.

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic

in malt and brewed beverages prescribing penalties and repealing inconsistent acts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL NO. 2437 MADE SPECIAL ORDER

Mr. BLUMBERG. Mr. Speaker, I move that House Bill No. 2437, Printer's No. 1380, be made a special order on third reading and final passage on Tuesday, June 11, 1935, at 8.30 P. M.

The motion was agreed to.

HOUSE BILL NO. 2436 MADE SPECIAL ORDER

Mr. EBERHARTER. Mr. Speaker, I move that House Bill No. 2436, Printer's No. 1379, be made a special order on third reading and final passage on Tuesday, June 11, 1935, at 9.00 P. M.

The motion was agreed to.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE ON HOUSE BILL NO. 2859

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 2859, Senate Bill No. 31, Printer's No. 180.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2859 (Senate Bill No. 31), entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Ferko,	McHenry,	Siegel,
Alexander,	Finnerty,	McKinney,	Simpson,
Allen,	Fitch,	Melchiorre,	Sinwell,
Altenburg,	Flanagan,	Mentzer,	Sloan,
Andrews,	Flinchbaugh,	Merrell,	Smith, W. G.,
Arnold,	Forrest,	Moomaw,	Snyder, F. E.,
Aukerman,	Furman,	Mooney,	Snyder, J. L.,
Baine,	Gates,	Moran,	Sowers,
Baker, F. T.,	Gerard,	Moul,	Spangler,
Baker, J J.,	Gillette,	Muir,	Sproul,
Barnhardt,	Habbyshaw,	Murrin,	Stank,
Bernhard,	Haberlen,	Nagel,	Stewart,
Boose,	Hagerty,	Nothnagle,	Stone,
Boyd, R.,	Hamilton, F. P.,	O'Keefe,	Stott,
Boyer,	Harkins,	Ominsky,	Sumney,
Bradley,	Harmuth,	Panton,	Surface,
Brancato,	Hetrick,	Parks,	Tahl,
Brennan,	Hindman,	Patterson, C.,	Terry,
Brownfield,	Hirsch,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hoffner,	Pearson,	Tumelty,
Burke,	Holland,	Perry,	Turner,
Cannon,	Holstrom,	Peters,	Van Allsburg,
Castor,	Hoopes,	Pfaff,	Van Sickle,
Chervenak,	Horst,	Phillips,	Walker,
Coakley,	Kane,	Piole,	Wall,
Cochran,	Kelder,	Powers,	Weidemann,
Cohen,	Kelso,	Reising,	Weiss,
Coleman,	Kinney,	Robinson,	Welliver,
Coolahan,	Klingler,	Ruffennach,	Welsh,
Cordier,	Kobelak,	Ruth,	Westrick,
Davies,	Linderman,	Sarraf,	White,
Dent,	Long,	Scanlon,	Winner,
Diehl,	Longaker,	Schrock,	Wood,
Downey, G. E.,	Lovett,	Schrope,	Woodside,
Downey, J. J.,	Lynch,	Schwab,	Yeakel,
Eberharter,	McCreary,	Schwartz,	Zappala,
Eroe,	McDermott,	Shaw,	Zimmerman,
Falkenstein,	McElroy,	Shreiner,	Sarig,

NAYS—33

Baldi,	Hamilton, R. S.,	McDevitt,	Shortz,
Barber,	Hart,	Moore,	Simon,
Blumberg,	Hefferon,	Munley,	Stevens,
Brown, H. S.,	Hermansen,	O'Neill,	Trout,
Carr,	Jackson,	Rhys,	Wasserman,
Condon,	Jones,	Rinn,	Wickersham,
Denning,	LaRue,	Roan,	Witkin,
Green,	Mallen,	Root,	Yourishin,
Greenstein,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE ON HOUSE BILL NO. 1911

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 1911, Printer's No. 1142.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1911, entitled:

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an appropriation

Mr. McCREARY. Mr. Speaker and members of the House, I would like to know why this House always insists that I come to the microphone. You allow everybody else to speak from his seat and every time I attempt to do so you call me to the microphone. Maybe it is a joke to you, but why do you not extend this joke to somebody else besides McCreary?

I do want to rise to ask for a few moments' time to oppose this bill. This bill has some peculiarities about it that I think makes it no more than proper that the members of this House have a chance to discuss it before they are ready to vote "yes" or "no."

This bill, I am told, is a merger or combination of three others, three bills each introduced by a different member. Therefore, as long as we are talking about horses, I don't think it would be unparliamentary to say that this bill has

three sides, and if so, then to continue horse parlance it must be a mongrel or at least a hybrid. The only thing that I know in the horse line that is a hybrid is a mule. Then the name "horse" in this bill is wrong and should be omitted and the word "mule" substituted for it. Then it would read "mule racing" instead of "horse racing," and then it would be a joke indeed.

All joking aside, members of the House, this bill is too important to even joke that much. I wish every member of this House could read an article in the Saturday Evening Post of June 8th by a man named Bryant Field under the title of, "The Betting Boom," and I venture to assert that if every member of this House would take time to read this article there would not be one member out of ten who would vote "aye" on this bill, because this man treats this subject from an entirely non-political phase and gives you the actual facts in the case and tells you that since 1932 there is a betting boom sweeping over this country that in a very short time is going to develop into something like the stock boom that ravished this country a few short years ago, and was one of the major causes of one of the worst depressions that the Nation has known. Whether or not we will ever recover from it is still a moot question.

Now, we are apparently starting into another kind of boom. This man calls it a betting boom. He says that the results will be just as devastating as the stock boom. Now, why the members of this House take up and consider this bill that has these danger signals in it is more than I can understand. This man goes on to tell you that in Connecticut where the Legislature has just passed a bill legalizing racing the Governor vetoed it and gave as his reason, "The full intent and purpose of this bill is simply to enrich the few and impoverish the many."

He tells you that in the last few years there have been more than five hundred million dollars squandered in betting, in horse race propositions, and that the state of Rhode Island, the smallest state in this Nation, made over two million dollars profit on their horse racing proposition. They pay a certain portion of that to the State and the promoters pocketed one million five hundred thousand dollars in that little state of Rhode Island, and in return for that one million five hundred thousand dollars they gave not one thing in return, and they took money from the pockets of the small man. The largest part of the betting is done in pool rooms, barber shops and restaurants and it is simply a disgrace to any state or any nation to legalize what is known as daylight robbery.

Now, I cannot understand why the members of this House would seriously consider this kind of a bill and place the stamp of legality on this kind of a proposition. We are now vainly trying to work out of a depression that was largely brought on by just such a craze of betting on stocks, and we are now asked to start the same kind of a craze in betting on horses.

I was here at the public hearing, and I heard all the reasons advanced in favor of this bill, that it was the sport of kings, that it improved horseflesh, and the propagandists tell you that the farmers are going to benefit by the sale of thousands of dollars worth of oats and hay for these race horses.

They also tell you that the farmers are going to raise these race horses and sell them, and then they are going to get five per cent of the money that comes in when these horses win. Just think of the money that is going to roll in—five per cent that the farmers are going to get. Don't they know that the service of a race horse that is worth anything is more than five hundred dollars up to one thousand dollars and there is not a farmer in Pennsylvania that has the five hundred dollars, so the matter of making a profit out of this is the most farfetched thing that I have heard at any time or anywhere.

Members of this House, why do we dally with this kind of thing. The papers are full of the fight that has gone on regarding this bill. They tell you that all parties are disregarded and they tell you that it is for the benefit of farmers, and they cover it up with the excuse that the State will gain revenue paid by these races. They charge one thousand dollars a day for racing running horses, two hundred dollars a day for trotting horses and fifty dollars a day for the country fair, and they prophesied an immense amount of money coming into the treasury of this State, but they do not tell you where this money is coming from. It is coming out of the pockets of the people largely who can least afford to bet and take a chance, but because the State of Pennsylvania legalizes it and because it becomes a craze, they spend money that they should spend on their own families to buy food and clothing. Instead of that they will risk their money on a race track, and somebody in the back of a pool room or a barber shop or restaurant is their agent, and the chances against them are ten hundred fifty to one.

The Irish Sweepstakes took out of this country many millions of dollars and returned some of it to but a few people, but it excited the interest of many of the people, but they will tell you that the chances of winning on the Irish Sweepstakes are one to thirty-five hundred. Do the people of this State want to take those chances?

Members of the House, do not forget Calvin Coolidge's message, that men elected or appointed to public office, charged with the duty of maintaining the state's welfare and the peace of the people never have a right to be for the things that are absolutely harmful to the people of that state or of the Nation.

I beg of you to consider well before you foist this kind of a law on the people of this State. I ask you to vote "no" on this bill.

Mr. JAMES W. PATTERSON. Mr. Speaker, I intend to vote for this bill and I intend to vote for it for one reason; not because I believe that pari-mutuel betting is necessarily a good thing for Pennsylvania, but I do believe in the sovereign right of the people to express themselves in a referendum on questions of this nature. I am willing to let the people of the Commonwealth decide this question for themselves.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—127

Altenburg,	Downey, J. J.,	Long,	Ruth,
Andrews,	Eberharter,	Longaker,	Sarraf,
Aukerman,	Falkenstein,	Lovett,	Scanlon,
Baine,	Ferko,	Mallen,	Schrope,
Baker, J J.,	Finnerty,	McDermott,	Schwartz,
Baldi,	Fitch,	McDevitt,	Shaw,
Barber,	Flanagan,	McElroy,	Shepard,
Barnhardt,	Forrest,	Melchiorre,	Shreiner,
Bernhard,	Furman,	Mentzer,	Simon,

Blumberg,	Gerard,	Mooney,	Sinwell,
Boyd, R.,	Green,	Moore,	Sowers,
Bradley,	Greenstein,	Moran,	Sproul,
Brancato,	Haberlen,	Munley,	Stank,
Brown, H. S.,	Hagerty,	Murrin,	Stevens,
Burke,	Haluska,	Nothnagle,	Tahl,
Cannon,	Hamilton, F. P.,	O'Keefe,	Tronzo,
Caputo,	Hamilton, R. S.,	Ominsky,	Tumelty,
Carr,	Harkins,	O'Neill,	Turner,
Carson,	Harmuth,	Patterson, C.,	Van Sickle,
Castor,	Hart,	Patterson, J. W.,	Walker,
Chervenak,	Hindman,	Perry,	Weidemann,
Coakley,	Hirsch,	Peters,	Weiss,
Coleman,	Holland,	Pfaff,	Welliver,
Condon,	Holstrom,	Piole,	Westrick,
Conner,	Hoopes,	Powers,	White,
Coolahan,	Jackson,	Reynolds,	Winner,
Cordier,	Kelder,	Rhys,	Witkin,
Davies,	Kilroy,	Rinn,	Yourishin,
Denning,	Kinney,	Roan,	Zappala,
Dent,	Kobelak,	Robinson,	Zimmerman,
Diehl,	LaRue,	Root,	Sarig,
Downey, G. E.,	Linderman,	Ruffennach,	

NAYS—61

Achterman,	Gates,	Moul,	Snyder, J. L.,
Alexander,	Gillette,	Nagel,	Spangler,
Arnold,	Habbyshaw,	Panton,	Stewart,
Atkins,	Hermansen,	Parks,	Stone,
Baker, F. T.,	Hetrick,	Pearson,	Stott,
Boose,	Hoffner,	Phillips,	Surface,
Boyer,	Horst,	Reising,	Terry,
Brennan,	Jones,	Schrock,	Trout,
Brown, J. E.,	Kane,	Schwab,	Van Allsburg,
Brownfield,	Kelso,	Shortz,	Wall,
Brumbaugh,	Male,	Simpson,	Welsh,
Cochran,	McCreary,	Sloan,	Wickersham,
Decker,	McHenry,	Smith, J. A.,	Wood,
Dilley,	McKinney,	Smith, W. G.,	Woodside,
Eroe,	Merrell,	Snyder, F. E.,	Yeakel,
Flinchbaugh,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. YOURISHIN asked and obtained permission of the House for the Committee on Labor to sit during the session of the House.

HOUSE BILL NO. 2016 MADE A SPECIAL ORDER

Mr. HARMUTH. Mr. Speaker, I move that House Bill No. 2016, file folio entitled:

An Act creating a State Planning Board prescribing and defining its powers and duties including the planning of long term and emergency programs of public works construction and expenditure planning for the conservation and utilization of the resources of the Commonwealth coordinating the plans of the various departments of the State government for the general good of the Commonwealth and assisting official and citizen constituted planning groups throughout the Commonwealth cooperating closely with the Federal Government making special studies for the Legislature when requested and provided for and such other activities as may be assigned to it by the Governor of the Commonwealth and making an appropriation

on page 32 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage on Tuesday, June 11, 1935, at 11:45 A. M.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL NO. 89 FROM THE GOVERNOR

Mr. SHEPARD asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur) That House Bill No. 89, Printer's No. 40, entitled "An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL INTRODUCED

Mr. MENTZER asked and obtained unanimous consent of the House to introduce a bill the title of which was read by the Clerk as follows:

A Joint resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same, and to make a general survey of the steel industry; and making an appropriation.

BILL RE-REFERRED

Mr. HARMUTH, returned from the Committee on Boroughs and Townships with the recommendation that it be re-referred to the Committee on Banking, House Bill No. 2931, (Senate Bill No. 954), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

The SPEAKER. The bill is now re-referred to the Committee on Banking.

TIME EXTENDED ON BILL

Mr. HORST. Mr. Speaker, I move that the time on House Bill No. 1072, Printer's No. 757 entitled:

An Act to amend section one paragraphs thirteen and fourteen of section five and section seven of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" regulating the holding and vote of common stock of cooperative agriculture associations by similar corporations or associations

on page 40 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FLINCHBAUGH asked and obtained permission of the House for the Committee on Insurance to meet during the session of the House.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2572, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highway solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be completed records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated town with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2573, entitled:

An Act to amend paragraph (h) of section two thousand four hundred and eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended directing the Department of Property and Supplies to require bonds from State contractors conditioned on the payment of rental for construction and dirt removing equipment and tools

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2833 (Senate Bill No. 1150), entitled:

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 323, entitled:

An Act to amend section two hundred and two hundred two of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing additional penalties for killing fish by pollution or explosions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2885 (Senate Bill No. 1262), entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2068 (Senate Bill No. 147), entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons creating and imposing duties upon the Board of Blind Pensions and providing penalties providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2928 (Senate Bill No. 19), entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment of work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance re-issuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2417, entitled:

An Act in exercise of the police power of the State to protect the public health by regulating the buying and selling of meat food animals the slaughtering of such animals and the preparation manufacture handling transportation storage possession and sale of meats meat food products and foods containing meat derived from such animals prescribing the powers and duties of the Department of Agriculture in the enforcing of this act providing for license and fees and penalties for violations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MOUL. Mr. Speaker, I move that this bill be recommited to the Committee on Agriculture for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2907 (Senate Bill No. 458), entitled:

An Act relating to the playing of certain sports on Sunday prohibiting such sports on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same providing penalties and repealing inconsistent laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2912 (Senate Bill No. 1056), entitled:

An Act relating to certain sports on Sunday in cases where an admission is charged permitting certain sports on Sunday for which an admission is charged during certain hours providing for the licensing of exhibitions where an admission charge is made and changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

TIME FOR SPECIAL ORDER ON HOUSE BILL 2437 CHANGED.

Mr. BLUMBERG. Mr. Speaker, I move that the time fixed for the special order on third reading and final passage on House Bill No. 2437, Printer's No. 1380, be changed from Tuesday, June 11, 1935 at 8:30 P. M. to Tuesday, June 11, 1935, at 12:30 P. M.

The motion was agreed to.

TIME FOR SPECIAL ORDER ON HOUSE BILL NO. 2436 CHANGED.

Mr. EBERHARTER. Mr. Speaker, I move that the time fixed of the special order on third reading and final passage on House Bill No. 2436, Printer's No. 1379, be changed from Tuesday, June 11, 1935, at 9:00 P. M. to Tuesday, June 11, 1935, at 1:00 P. M.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1964, entitled:

An act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for office from being candidates for more than one party nomination and requiring candidates affidavits from candidates for additional offices

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the offise of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by the act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred forty-four) is hereby further amended to read as follows

Section 6 The names of candidates for nomination as President of the United States and the names of all other party candidates shall be printed upon the official ballot of a designated party upon the filing of nomination petitions in their behalf signed by qualified electors of the State or of the political district or division as the case may be within which the nomination is to be made or election is to be held and the filing of affidavits by the candidates as provided in this act and the names of no candidates shall be printed upon an official ballot of a political party to be used at any primary unless such petitions shall have been filed and unless such candidates except they be candidates for the office of President of the United States shall have filed affidavits as hereinafter provided

(a) Each signer of a nomination petition shall sign but one such petition for each office to be filled and shall declare therein that he is a member of the party designated in such petition Provided however That where there are to be elected two or more persons to the same office each signer may sign petitions for as many candidates for such office as and no more than he could vote for at the succeeding election He shall also declare therein that he is a qualied elector of the county therein named and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large of the political district or division therein named in which the nomination is to be made or the election is to be held He shall add his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing No nomination petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same

Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties Each sheet shall have appended thereto the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth that the affiant is a qualified elector of the State or of the political district or division as the case may be referred to in said petition his residence giving city borough or township with street and number if any that the signers signed with full knowledge of the contents of the petition that their respective residences are correctly stated therein that they all reside in the county named in the affidavit and that each signed on the date set opposite his name and that to the best of affiant's knowledge and belief the signers are qualified electors and members of the designated party of the State or of the political district or division as the case may be

(b) Each candidate for United States Senator or Representative in Congress or for any State county [or] city borough incorporated town township school or poor district office shall file with his nomination petition his affidavit stating his residence with street and number if any and his postoffice address his election district the name of the office for which he consents to be a candidate that he is a member of the party whose nomination he seeks unless he is a candidate for judge of a court of record that he is eligible for such office [and] that he will not knowingly violate any election law or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith and unless he is a candidate for judge of a court of record that he is not a candidate for nomination for the same office of any party nor the nominee for such office of any party other than the one designated in such nomination petition In no event shall petitions of any candidates except candidates for judge of a court of record be accepted for filing for nomination by more than one party for the same office in no event shall the name of any person consenting to be a candidate for nomination for any one office except the office of judge of a court of record be printed as a candidate for such office upon the official primary ballot of more than one party and [Provided That] in no event shall any person's name be printed upon the official ballot of any party as a candidate for delegate State committeeman National committeeman or party officer unless he is a qualified elector of said party

In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include with his affidavit the statement hereinafter set forth in this section but his failure to include such statement shall not be a valid ground on the part of the Secretary of the Commonwealth for refusal to receive and file his nomination petition Such statement if any be made shall be in substantially the following form

Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large otherwise insert "..... District") that if elected and in attendance as a delegate to the National convention of the party I shall with all fidelity to the best of my judgment and ability in all matters coming before the convention support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "..... District") by the voters of my party for said office at the ensuing primary and shall use all honorable means within my power to aid in securing the nomination for such candidate for President

.....

(Signature of candidate for delegate or alternate delegate)

On the ballot used at a primary after or under the

name of each candidate for delegate or alternate delegate to a National party convention shall appear the words "Promises to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert" "..... District") for President" and "Does not promise to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "..... District") for President" according as if the candidate included or failed to include the above statement with his affidavit

On the question,

Will the House agree to the section?

BILL DROPPED FROM CALENDAR

Mr. BLUMBERG. Mr. Speaker, I move that this bill be dropped from the calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2464, as follows:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to define noncancellable health and accident insurance and to define and regulate policies of group health and accident insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article Six of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

ARTICLE VI

CASUALTY INSURANCE

(a) GENERAL PROVISIONS RELATING TO STOCK COMPANIES

Section 601 Financial Requirements of Foreign Companies Stock casualty insurance companies of other States and foreign governments organized to transact any of the classes of insurance mentioned in subdivision (c) section two hundred and two (202) of this act in order to be licensed to do business in this Commonwealth must have a paid up and safely invested capital if a company of another State or a deposit in the United States if a company of a foreign government of at least the amount required in this act for Pennsylvania companies Nothing contained in this act shall prevent any foreign stock life insurance company now engaged in the business of accident and sickness or liability insurance or both from continuing the same if the amount of its paid up capital shall be equal to the amount required of a domestic company to transact the business of life insurance and at least fifty thousand dollars for each of the other classes of insurance undertaken

Section 602 Investment of Capital Every domestic stock casualty insurance company shall invest and keep invested in sound incomebearing securities all its capital and funds of every description excepting such cash as may be required in the transaction of its business and such as it may invest in real estate as hereinafter authorized The capital of every such company shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or of any State or Territory of the United States or Canada and in farm loan bonds issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or street railway corporation upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate Provided That no loan on such real estate shall exceed sixty-six and two-thirds per centum (66 2/3%) of the fair market value thereof at the time of making such loan

(f) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of this Commonwealth or of the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limted to an amount not exceeding thirty per centum of the par value of the capital stock of the investing company

Section 603 (As last amended by act of March tenth one thousand nine hundred twenty-five Pamphlet Laws thirty) Investment of Surplus Restrictions Any money over and above the capital of any such stock casualty insurance company may be invested in the securities above enumerated or loaned upon the security of the same or in the stock or other evidence of indebtedness of any solvent dividend paying corporation created under the laws of this Commonwealth or of any other State of the United States or loaned upon the pledge of the same except its own stock or the stock of any other insurance company transacting like classes of business The current market value of such securities at the time of any loan thereon shall be at least fifteen per centum (15%) more than the sum loaned thereon No such insurance company shall invest any of its funds in any unincorporated business or enterprise nor in the stock or evidence of indebtedness of any corporation the owners or holders of which stock or evidence of indebtedness may in any event be or become liable on account thereof to any assessment except for taxes nor shall any of its funds be loaned on personal security nor more than one-fifth (1/5) of its capital shall be invested in a single mortgage No such company shall enter into any agreement to withhold from sale any of its property but the disposition of its property shall be at all times within the control of its board of directors or trustees In any investment or loan is made in a manner not authorized by this act the officers and directors making or authorizing the same shall be personally liable for any loss occasioned thereby

Any such stock casualty insurance company may invest in the capital stock and obligations of a corporation or corporations formed for the purpose of taking and holding title to real estate and erecting or maintaining thereon a building or buildings to be used in whole or in part for the accommodation and transaction of the business of such insurance company without being subject to the limitation hereinbefore prescribed as to investment in the stock of a dividend paying corporation but no such insurance company shall invest more than fifty per centum (50%) of its capital and surplus in the stock and other obligations of any such corporation or corporations nor acquire and hold any or the stock or other obligations of any such corporation or corporations if the total amount of the capital and other obligations of such corporation or

crporations exceeds in the aggregate fifty per centum (50%) of the capital and surplus of such insurance company without the written approval of the Insurance Commissioner

Section 604 Real Estate Which Companies May Purchase Hold and Convey No domestic stock casualty insurance company shall purchase hold or convey real estate except for the purpose and in the manner herein set forth to wit

(a) Such as shall be requisite for the transaction of its business

(b) Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings

(c) Such as shall have been purchased at sales upon judgments decrees or mortgages obtained or made for debts due the company or for debts due other persons where said company may have liens or encumbrances on the same and the purchase is deemed necessary to save the company from loss It shall not be lawful for any such company to purchase or hold real estate in any other case or for any other purpose Any real estate purchased received or acquired under paragraphs (b) and (c) of this section which has been held for a period of more than five (5) years from the date of its purchase receipt or acquisition must be sold and disposed of within a period of six (6) months after due notice to the company from the Insurance Commissioner to sell and convey the same The Commissioner may extend the time for such disposition if he believes the interest of the company will suffer materially by a forced sale

Section 605 Dividends No such stock casualty insurance company heretofore or hereafter organized shall make any dividend on its capital except from the profits arising from its business In estimating such profits there shall first be charged as a liability (a) The capital of the company (b) all unpaid losses or other loss claims (c) all liabilities for reserve or unearned premiums or undetermined risks as required by law (d) all sums due the company on bonds book accounts and judgments on which the interest has not been paid during the last calendar year or on the principal of which no payment has been made during said period (e) all other debts or obligations of the company and (f) all shares of stock on which no dividend has been paid during the last calendar year

Section 606 Reduction and Withdrawal of Capital Stock Any existing stock casualty insurance company and any stock casualty insurance company formed under this act having a paid up capital in excess of the minimum herein required may reduce the excess in whole or in part in the manner hereinbefore provided for the reduction of capital stock by insurance companies Any such company which has undertaken two or more kinds of insurance and wishes to discontinue a particular kind may withdraw the entire additional capital paid in on account thereof

Section 607 Procedure When Capital Impaired Any stock casualty insurance company receiving notice from the Insurance Commissioner that its capital is impaired shall immediately call upon its stockholders for such amounts as will restore its capital to the amount fixed by its charter in case any stockholder neglects or refuses to pay the amount called for after notice personally given or by advertisement at such time and in such manner as the commissioner shall approve the company shall require the return of the original certificate of stock held by such stockholder and in lieu thereof issue new certificates in the proportion that the ascertained value of the assets of the company may as determined by the commissioner bear to the original capital the company paying for any fractional parts of shares The directors may create new stock and issue certificates therefor and dispose of the same at not less than par for an amount sufficient to make up the original capital or the commissioner may in his discretion permit the company to reduce its capital and the par value of its shares in proportion to the extent of the impairment but the capital shall at no time be reduced to an amount less than that required by law for the organization of any such company In fixing such reduced capital not more than fifty per centum (50%) of the original capital shall be deducted from the assets on hand to be retained as surplus funds nor shall any part of the assets be distributed to stockholders

Section 608 Certain Companies Heretofore Organized May Come within Provisions of Act Stock companies heretofore organized under the act of April twenty-eighth Anno Domini one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine (P. L. 329) entitled "An act to provide for the incorporation and regulation of corporations for the purpose for making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" having a paid up capital of not less than one hundred thousand dollars may issue policies providing personal accident and sickness indemnity as specified in subdivision (c) clause two (2) of section two hundred and two (202) and also an indemnity for death arising from natural causes for an amount not exceeding one hundred dollars Stock companies heretofore organized under the act approved April twenty-nine Anno Domini one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three (P L 73) entitled "An act to provide for the incorporation and regulation of certain corporations" and the several supplements thereto for the purpose of guaranteeing the fidelity of persons in positions of trust and to act as surety on official bonds may transact business under this act by filing with the Secretary of the Commonwealth and with the Insurance Commissioner a resolution of the board of directors duly approved by the stockholders at a meeting specially called for that purpose accepting the provisions of this act and agreeing to be governed thereby as fully as though organized hereunder and such acceptance when so filed shall exempt any such company from the provisions and requirements of said act approved April twenty-nine one thousand eight hundred and seventy-four and of the act approved May nine one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred fifty-nine (P L 159) entitled "An act supplementary to an act entitled 'An act to provide for the inporation and regulation of certain corporations' approved the twenty-ninth day of April Anno Domini one thousand eight hundred and seventy-four amending the twenty-ninth section of said act so as to provide for the further regulation of and granting additional powers to all corporations now or hereafter incorporated under the provisions of said act for the insurance of owners of real estate mortgages and others interested in real estate and loss by reason of defective titles liens and encumbrances" and the several supplements thereto

Section 609 Companies to Which Act Applies That all stock casualty insurance companies heretofore or hereafter incorporated or formed by authority of any general or special law shall be subject to the provisions and requirements of this act except those companies incorporated under the provisions of the act approved April twenty-eighth one thousand nine hundred and three entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" and companies heretofore organized under the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three (P. L. 73) entitled "An act to provide for the incorporation and regulation of certain corporations" and the several supplements thereto for the purpose of guaranteeing the fidelity of persons in positions of trust and to act as surety on official bonds which latter companies shall come under the provisions of this act only upon acceptance thereof as hereinbefore provided

Section 610 (As added by Act of June twenty-third one thousand nine hundred thirty-one Pamphlet Laws nine hundred four) Foreign Companies Associations and Exchanges to do Business through Resident Agents Other than companies subject to the provisions of section five hundred and one of this act no insurance company association or exchange not incorporated or organized under the laws of this Commonwealth but authorized to trans-

act business herein shall make write place or cause to be made written or placed any policy or contract of insurance in this Commonwealth except through an agent whether an individual copartnership or corporation who or which is a resident of this Commonwealth or maintains his her or its principal place of business in this Commonwealth Provided however That the Insurance Commissioner may under such regulations and restrictions as may be deemed necessary issue licenses to nonresident agents who are licensed in the State in which they reside but such agents shall not countersign any policy or contract of insurance but all such policies and contracts shall be signed only by resident agents

(b) HEALTH AND ACCIDENT INSURANCE

Section 616 Copies of Policies To Be Filed with Insurance Commissioner No policy of insurance against loss from sickness or loss or damage from bodily injury or death of the insured by accident shall be issued or delivered by any stock or mutual casualty company or any stock or mutual life insurance company issuing such policies to any person in this Commonwealth until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the Insurance Commissioner nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the Insurance Commissioner shall sooner give his written approval thereto If the Insurance Commissioner shall notify in writing the company corporation association or other insurer which has filed such form that it does not comply with the requirements of law specifying the reasons for his opinion it shall be unlawful thereafter for any such insurer to issue any policy in such form The action of the Insurance Commissioner in this regard shall be subject to review by the court of common pleas of Dauphin County

Section 617 Conditions Subject to Which Policies Are To Be Issued No such policy shall be issued or delivered except subject to the following conditions (a) Unless the entire money and other consideration therefor are expressed in the policy nor (b) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer nor (c) if the policy purports to insure more than one person nor (d) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point nor (e) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point nor (f) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply Provided however That any portion of such policy which purports by reason of the circumstances under which a loss is incurred to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances shall be printed in bold face type and with greater prominence than any other portion of the text of the policy nor (g) if such policy is entitled or referred to as "non-cancellable" unless such "noncancellable" policy is automatically renewable until age sixty upon payment of the required premiums by the insured

Section 618 Standard Policy Provisions Every such policy so issued shall contain certain standard provisions which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption "Standard Provisions" In each such standard provision wherever the word "insurer" is used there shall be substituted therefor the word "company" or "corporation" or "association" or "society" Such standard provisions shall be

(a) A standard provision relative to the contract which may be in either of the following two forms Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation and Form (B) to be used in policies which do so provide If Form (B) is used and the policy provides indemnity against loss from sickness the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured"

"(A)-1 This policy includes the endorsements and attached papers if any and contains the entire contract of insurance No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation"

"(B)-1 This policy includes the endorsements and attached papers if any and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy or while he is doing any act or thing pertaining to any occupation so classified except ordinary duties about his residence or while engaged in recreation in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation"

"If the law of the State in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the State official having supervision of insurance in such State then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law but if such filing is not required by such law then they shall mean the insurer's premium rates and classification of risks last made effective by it in such State prior to the occurrence of the loss for which the insurer is liable"

(b) A standard provision relative to changes in the contract which shall be in the following form

"2 No statement made by the applicant for insurance not included herein shall avoid the policy or be used in any legal proceeding hereunder No agent has authority to change this policy or to waive any of its provisions No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon"

(c) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms Form (A) to be used in policies which insure only against loss from accident Form (B) to be used in policies which insure only against loss from sickness and Form (C) to be used in policies which insure against loss from both accident and sickness

"(A)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover loss resulting from accidental injury thereafter sustained"

"(B)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than ten days after the date of such acceptance"

"(C)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance"

(d) A standard provision relative to time of notice of claim which may be in either of the three following forms Form (A) to be used in policies which insure only against loss from accident Form (B) to be used in policies which insure only against loss from sickness and Form (C) to be used in policies which insure against loss from both accident and sickness If Form (A) or Form (C) is used the insurer may at its option add thereto the following sentence "In event of accidental death immediate notice thereof must be given to the insurer"

"(A)-4 Written notice of injury on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury"

"(B)-4 Written notice of sickness on which claim may

be based must be given to the insurer within ten days after the commencement of the disability from such sickness"

"(C)-4 Written notice of injury or of sickness on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury or within ten days after the commencement of disability from such sickness"

(e) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the insurer shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice.

"5 Such notice given by or in behalf of the insured or beneficiary as the case may be to the insurer at .... or to any authorized agent of the insurer with particulars sufficient to identify the insured shall be deemed to be notice to the insurer Failure to give notice within the time provided in this policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible"

(f) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows

"6 The insurer upon receipt of such notice will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss If such forms are not so furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss written proof covering the occurrence character and extent of the loss for which claim is made"

(g) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided

"(A)-7 Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the date of the loss for which claim is made"

"(B)-7 Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the termination of the period of disability for which the company is liable"

"(C)-7 Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss"

(h) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form

"3 The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law"

(i) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time not more than sixty days as it may desire Form (A) to be used in policies which do not provide indemnity for loss of time on account of disability and Form (B) to be used in policies which do so provide

"(A)-9 All indemnities provided in this policy will be paid ..... after receipt of due proof"

"(B)-9 All indemnities provided in this policy for loss other than that of time on account of disability will be paid ..... after receipt of due proof"

(j) A standard provision relative to periodical payments of indemnity for loss of time on account of disability which provision shall be in the following form and which may be omitted from any policy not providing for such indemnity The insurer shall insert in the first blank space of the form appropriate language to designate the proportion of accrued indemnity it may desire to pay which proportion may be all or any part not less than one-half and in the second blank space shall insert any period of time not exceeding sixty days

"10 Upon request of the insured and subject to due proof of loss ..... accrued indemnity for loss of time on account of disability will be paid at the expiration of each ..... during the continuance of the period for which the insurer is liable and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof"

(k) A standard provision relative to indemnity payments which may be in either of the two following forms Form (A) to be used in policies which designate a beneficiary and Form (B) to be used in policies which do not designate any beneficiary other than the insured

"(A)-11 Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured and otherwise to the estate of the insured All other indemnities of this policy are payable to the insured"

"(B)-11 All the indemnities of this policy are payable to the insured"

(l) A standard provision providing for cancellation of the policy at the instance of the insured which shall be in the following form

"12 If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy the insurer upon written request of the insured and surrender of the policy will cancel the same and will return to the insured the unearned premium"

(m) A standard provision relative to the right of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary

"13 Consent of the beneficiary shall not be requisite to surrender or assignment of this policy or to change of beneficiary or to any other changes in the policy"

(n) A standard provision limiting the time within which suit may be brought upon the policy as follows

"14 No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of the loss has been filed in accordance with the requirements of this policy nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy"

(o) A standard provision relative to time limitations of the policy as follows

"15 If any time limitation of this policy with respect to giving notice of claim or furnishing proof of loss is less than that permitted by the law of the State in which the insured resides at the time this policy is issued such limitation is hereby extended to agree with the minimum period permitted by such law"

Section 619 Optional Standard Policy Provisions No such policy shall be so issued or delivered which contains any provision (a) Relative to cancellation at the instance of the insurer or (b) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid or (c) providing for the deduction of any premium from the amount paid in settlement of claim or (d) relative to other insurance by the same insurer or (e) relative to the age limits of the policy unless such provisions which are hereby designated as optional standard provisions shall be in the words and in the order in which they are hereinafter set forth but the insurer may at its option omit from the policy any such optional standard provision Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in the section immediately preceding of this act

(a) An optional standard provision relative to cancellation of the policy at the instance of the insurer as follows

"16 The insurer may cancel this policy at any time by written notice delivered to the insured or mailed to his last address as shown by the records of the insurer together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured and

such cancellation shall be without prejudice to any claim originating prior thereto"

(b) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy as follows

"17 If the insured shall carry with another company corporation association or society other insurance covering the same loss without giving written notice to the insurer then in that case the insurer shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss and for the return of such part of the premium paid as shall exceed the pro rata for the indemnity thus determined"

(c) An optional standard provision relative to deduction of premium upon settlement of claim as follows

"18 Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom"

(d) An optional standard provision relative to other insurance by the same insurer which shall be in such one of the following forms as may be appropriate to the indemnities provided and in the blank spaces of which the insurer shall insert such upward limits of indemnity as are specified by the insurer's classification of risks filed as required by this act

"(A)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity in excess of $..... the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured"

"(B)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity for loss of time on account of disability in excess of $..... weekly the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured"

"(C)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity for loss other than that of time on account of disability in excess of $..... ..or the aggregate indemnity for loss of time on account of disability in excess of $..... weekly the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured"

(e) An optional standard provision relative to the age limits of the policy which shall be in the following form and in the blank spaces of which the insurer shall insert such number of years as it may elect

"20 The insurance under this policy shall not cover any person under the age of ..... years nor over the age of ..... years Any premium paid to the insurer for any period not covered by this policy will be returned upon request"

Section 620 Policy Provisions Required by Foreign Laws Policies of insurance against accidental bodily injury or sickness issued by an insurer not organized under the law of this Commonwealth may contain when issued in this Commonwealth any provisions which the law of the State Territory or district of the United States or country under which the insurer is organized prescribes for insertion in such policies Policies of insurance against accidental bodily injury or sickness issued by an insurer organized under the laws of this Commonwealth may contain when issued or delivered in any other State Territory district or country any provisions required by the laws of the State Territory district or country in which the same are issued anything in this act to the contrary notwithstanding

Section 621 Contradictory Policy Provisions Prohibited No such policy shall be issued or delivered if it contains any provisions contradictory in whole or part of any of the provisions hereinbefore in this act designated as "Standard Provisions" or as "Optional Standard Provisions" nor shall any endorsements or attached papers vary alter extend or be used as a substitute for or in any way conflict with any of the said "Standard Provisions" or the said "Optional Standard Provisions" nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter constitution or by-laws of the insurer a part of the policy unless such portion of the charter constitution or by-laws shall be set forth in full in the policy but this prohibition shall not be deemed to apply to any statement of rates or classification of risks filed with the Insurance Commissioner in accordance with the provisions of this act

Section 622 False Statements in Application The falsity of any statement in the application for any policy covered by subdivision (b) of this article shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer

Section 623 Alterations of Written Applications No alteration of any written application for insurance by erasure insertion or otherwise shall be made by any person other than the applicant without his written consent and the given under any policy covered by subdivision (b) of making of any such alteration without the consent of the applicant shall be a misdemeanor If such alteration shall be made by any officer of the insurer or by any employe of the insurer with the insurer's knowledge or consent then such act shall be deemed to have been performed by the insurer thereafter issuing the policy upon such altered application The commissioner may revoke the license of the insurer for any violation of this section

Section 624 Rights of Insurer Not Waived The acknowledgment by any insurer of the receipt of notice given under any policy covered by subdivision (b) of this article or the furnishing of forms for filing proofs of loss or the acceptance of such proofs or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy

Section 625 Policies Unlawfully Issued A policy issued in violation of subdivision (b) of this article shall be held valid but shall be construed as provided herein and when any provision in such a policy is in conflict with any said provision such provision so conflicting shall be invalid and the policy shall be deemed to contain all of the standard provisions

Section 626 Discrimination Prohibited Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this act or in the benefits payable thereon or in any of the terms or conditions of such policy or in any other manner whatsoever is prohibited

Section 627 Approval of Policies Any policy covered by subdivision (b) of this article the form of which has received the approval of the Insurance Commissioner may hereafter be issued or delivered in this Commonwealth

Section 628 (As amended by Act of June twenty-third one thousand nine hundred and thirty-one Pamphlet Laws nine hundred four) Penalties Any company or other insurer or any officer or agent thereof which or who issues or delivers to any person in this Commonwealth any policy or alters any written application for insurance in violation of the provisions of subdivision (b) of this article shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars for each offense The Insurance Commissioner may in his discretion take against the offending party any one or more of the following courses of action (1) Revoke the license of any company corporation association or other insurer of another State or country or of the agent thereof which or who violates any of said provisions (2) impose a penalty of not more than one thousand dollars for each act of violation of any of the provisions of said subdivision (b) of this article Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the person company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or upon failure of the accused to appear at such hearing the Insurance Commissioner shall impose such of the above penalties as he deems advisable When the Insurance Commissioner shall have taken any action as above set forth the party

aggrieved may appeal to the court of common pleas of Dauphin County

Section 629 (As amended by Act of June twenty-three one thousand nine hundred and thirty-one Pamphlet Laws nine hundred four) Limitations (a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance or any policy of group health and accident insurance [or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy]

(b) Nothing in subdivision (b) of this article shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance where such supplemental contracts contain no provisions except such as operate to safeguard such insurance against lapse or to provide a special surrender value therefor in the event that the insured shall be totally and permenently disabled by reason of accidental bodily injury or by sickness Provided That no such supplemental contract shall be issued or delivered to any person in this Commonwealth unless and until a copy of the form thereof has been submitted to and approved by the Insurance Commissioner under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act"

(d) The provisions contained in clause (e) of section six hundred and seveteen (617) and clauses (b) (c) (h) and (1) of section six hundred and eighteen (618) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes

(c) EMPLOYERS' MUTUAL LIABILITY INSURANCE ASSOCIATIONS

Section 636 Employers' Mutual Liability Insurance Associations Defined An incorporated association or company heretofore or hereafter formed by employers for the purpose of insuring themselves and such other employers as may become subscribers to the association against liability under the terms of articles two and three of "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or any amendments or supplements or revisions thereof shall be known as an "employers' mutual liability insurance association"

Section 637 Examination of Premises Books Et Cetera The board of directors of any employers' mutual liability insurance association shall be entitled to inspect the plant workroom shop farm or premises of any subscriber and for such purpose may appoint inspectors who shall have free access to all premises during the regular working hours The board of directors shall likewise from time to time be entitled to examine by their auditor or other agent the books records and payrolls of any subscriber for the purposes of determining the amount of premium chargeable to such subscriber

Section 638 Rules and Regulations Refusal and Forfeiture of Insurance The board of directors of any such association shall make reasonable rules and regulations for the prevention of injuries upon the premises of subscribers and they may refuse to insure or may terminate the insurance of any subscriber who refuses to permit such examination or disregards such rules and regulations and forfeit one-half of the unearned premiums previously paid by him Such termination of the insurance of any subscriber shall not release him from liability for the payment of assessments then or thereafter made by the board of directors to make up deficiencies existing at the termination of his insurance

Section 639 Premiums The board of directors of any employers' mutual liability insurance association shall determine the amount of the premiums which the subscribers of the association shall pay for their insurance in accordance with the nature of the business in which such subscribers are engaged and the probable risk of injury to their employes under existing conditions They shall fix premiums at such amounts as in their judgment (subject to the approval of the Insurance Commissioner) shall be sufficient to enable the association to create and maintain the surplus provided in section six hundred and forty-three (643) of this act and to pay to its subscribers all sums which may become due and payable to their employes under the provisions of article three of "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or any amendment or revision thereof and also the expenses of conducting the business of the association

In fixing the premium payable by any subscriber the board of directors may take into account the condition of all the property or premises of such subscribers in respect to the safety of those employed therein or thereon as shown by the report of any inspector appointed by such board

The board of directors may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the property or premises of such subscriber in respect to the safety of their employes may justify They may increase the premiums of any subscribers neglecting to provide safety devices required by law or disobeying the rules or regulations made by the board of directors in accordance with the provisions of section six hundred and thirty-eight (638) of this act

No policy of insurance issued to any subscriber shall be effective until he shall have paid the premium so fixed and determined

Section 640 Division of Subscribers into Groups The board of directors of such associations may divide the subscribers into groups in accordance with the nature of their business and the probable risks of injury therein In such case they shall fix all premiums for each business in such group and for the various classes of employment therein in accordance with the probable risks of injury to the employes in such business and in each class of employment therein and they shall make all assessments and determine and pay all dividends by and for each group in accordance with the experience thereof but all funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association Provided however That (as between the association and its subscribers) until the whole of the contingent liability of the members of any group shall be exhausted the general funds of the association and the contingent liability of the members of other groups shall not be available for the payment of losses and expenses incurred by such group in excess of the earned premiums paid by the members thereof

Section 641 Insurance Commissioner To Approve Premiums Dividends Et Cetera Every employers' mutual liability insurance association shall file a statement of any proposed premium assessment dividend or distribution of subscribers into groups with the Insurance Department which shall not take effect until approved by the Insurance Commissioner

Section 642 Dividends The board of directors of any employers' mutual liability insurance association may from time to time fix and determine the amount to be paid as dividends upon policies expiring each year after retaining the unearned premiums upon undetermined risks and sufficient sums to pay all the compensation then payable or which may become payable on account of injuries theretofore received by employes of the subscribers and to pay the expenses incurred in the operation of the business of the association and such percentage of the premiums as have been paid or are payable to create and main-

tain the surplus provided in section six hundred and forty-three (643)

Section 643 Surplus The board of directors may set aside such part of all premiums collected as it may deem necessary for the creation of an adequate surplus to cover the catastrophe hazard of all the subscribers to such fund and to guarantee the solvency of the fund

Section 644 Contingent Mutual Liability of Subscribers Every subcriber to such association shall be under a contingent mutual liability for the payment of losses and expenses in excess of the cash funds of the association to an amount at least equal to the premium paid by him during the current year

Section 645 Assessments If any employers' mutual liability insurance association is not possessed of cash funds over and above its unearned premiums on undetermined risks sufficient for the payment of incurred losses and expenses it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liabilities

Section 646 Withdrawal of Subscribers Any subscriber of any employers' mutual liability insurance association who has complied with all of its rules and regulations may withdraw therefrom by written notice to that effect sent by such subscriber by registered mail to the association Such withdrawal shall become effective on the first day of the month immediately following the tenth day after the receipt of such notice Such withdrawal shall not release such subscriber from liability for the payment of assessments thereafter made by the board of directors to make up deficiencies existing at the date of his withdrawal provided assessment therefor is made within one calendar year from date of withdrawal and such subscriber shall be entitled to his share of any dividend earned at the date of his withdrawal

Section 647 Penalty If any officer of the employers' mutual liability insurance association shall falsely make oath to any certificate required to be filed with the Insurance Commissioner he shall be guilty of perjury

(d) WORKMEN'S COMPENSATION INSURANCE

Section 651 Policy Provisions Every policy of insurance against liability under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall contain the agreement of the insurer to pay all compensation and provide all medical surgical and hospital attendance for which the insured employer may become liable under the act during the term of such insurance and the further agreement that as between the insurer and any claimant under the act notice to the employer or the employer's knowledge of an accident or injury constituting the basis of a claim under the act shall be notice to and knowledge of the insurer Such agreements shall be construed to be a direct promise to the injured employe or to the dependents of a deceased employe having a claim under the act and shall be enforceable by action brought in the name of such injured employe or in the name of such dependents Such obligation shall not be affected by any default of the insured after the accident in the payment of premiums or in the giving of any notices required by such policy or otherwise

Section 652 Suits for Premiums No suit shall be maintained for the collection of premiums upon any policy of insurance under "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof which violates any of the provisions of this act

Section 653 Prohibited Policy Provisions No Policy of insurance against liability under "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof shall contain any limitation of the liability of the insurer to an amount less than that for which the insured employer may become liable under the act during the term of such insurance No such policy or contract of insurance nor any agreement to deliver such insurance shall be issued except upon a form approved by the Insurance Commissioner as complying with all the terms and provisions of this act But a policy may be issued to a self insurer qualified under section three hundred five of article three of "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof thereof providing for the payment of any stated loss in excess of ten thousand dollars falling upon such self insurer under the terms of the said act by reason of any single accident

Section 654 Classification of Risks Underwriting Rules Premium Rates and Schedule and Merit Rating Plans The classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of employers and employes under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall be established by one or more rating bureaus situate within the Commonwealth of Pennsylvania subject to supervision and to examination by the Insurance Commissioner and approved by the Insurance Commissioner as adequately equipped to compile rates on an equitable and impartial basis Such schedule or merit rating plans shall be applied only by the approved rating bureau or bureaus and in the preparation of schedules no employer shall be discriminated against or penalized because of physical impairment of any employe or because of the number of dependents of any employe

No risk classification underwriting rule premium rate or schedule or merit rating plan shall take effect without the consent of the insurance Commissioner and he may withdraw his approval whenever in his judgment the same is inadequate or discriminates unfairly between risks of essentially the same hazard

Neither the State Workmen's Insurance Fund nor any insurance corporation mutual association or company shall issue renew or carry any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" and acts amendatory thereof except in accordance with the classifications underwriting rules premium rates and schedules or merit rating promulgated by the rating bureau aforesaid for the risk insured and approved by the Insurance Commissioner for such insurer

A complete copy of every policy or true copy of the substantive provisions of any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or acts amendatory thereof and a true copy of every endorsement upon any such policy and of every agreement pertaining thereto shall be filed with the rating bureau aforesaid within a reasonable time after the effective date of any such policy endorsement contract or agreement

Section 655 Annual Report of Premiums and Loss Experience Penalties The State Workmen's Insurance Fund and every insurance company and every employer's mutual liability association which insures employers or employes under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or acts amendatory thereof shall annually on or before the thirtieth day of June file with the Insurance Commissioner a sworn report of its premium and loss experience in such detail and form as may be prescribed by the Insurance Commissioner Any insurance carrier which neglects to make and file such statement in the form or within the time herein provided shall forfeit one hundred dollars for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do business shall cease while such default continues

The Insurance Commissioner shall have the power to suspend or revoke the license of any insurance company which violates any of the provisions of subdivision (d) of this article

(e) SURETY COMPANIES

Section 661 (As amended by Act of June twenty-second one thousand nine hundred thirty-one Pamphlet Laws six hundred thirteen) Conditions for Doing Business Every surety company to be qualified to so act as surety or guarantor must be authorized under the laws of the State or county where incorporated and its charter to guarantee the fidelity of persons holding places of public or private trust and to guarantee the performance of contracts other than insurance policies and to execute bonds and undertakings required or permitted in action or proceedings or by law allowed must (a) Comply with the requirements of the laws of this State applicable to such company in

doing business therein (b) must have at least one hundred thousand dollars ($100,000) invested in securities created by the laws of the United States or by or under the laws of the State or country wherein it is incorporated or in other safe marketable and interest-bearing stocks and securities the value of which shall be at or above par and deposited with or held by the Insurance Commissioner or other corresponding officer of the State or country in which it is authorized to transact business in trust for the benefit of the holders of the obligations of such company (c) its liabilities must not exceed its available assets which said liabilities however shall be taken to be (I) its capital stock (II) its outstanding debts and (III) a premium [reserved] reserve equal to fifty per centum of the annual premium on all outstanding risks in force and (d) such company shall also before transacting business in this State under this act file with the Insurance Commissioner a certified copy of its charter or act of incorporation (e) a written application to be authorized to do business under this act and (f) a statement signed and sworn to by its president or one of its vice presidents and its secretary or one of its assistant secretaries stating (I) the amount of its paid up cash capital (II) particularly each item of investment (III) the amount of premium on existing bonds upon which it is surety (IV) the amount of liability for unearned portion thereof estimated at fifty per centum of the annual premium on all outstanding premiums for one year or less and pro rata for terms of more than one year and (V) the amount of its outstanding debts of all kinds

Any surety company which is authorized to do business in this Commonwealth shall not expose itself to any loss or hazard on any one fidelity or surety risk in an amount exceeding ten per centum of its capital and surplus unless it shall be protected in excess of that amount by

(a) Reinsurance in a corporation authorized to transact the fidelity or surety business in this State Provided That such reinsurance is in such form as to enable the obligee or beneficiary to maintain an action thereon against the company reinsured jointly with such reinsurer and upon recovering judgment against such reinsured to have recovery against such reinsurer for payment to the extent in which it may be liable under such reinsurance and in discharge thereof or

(b) The co-suretyship of such a corporation similarly authorized or

(c) By deposit with it in pledge or conveyance to it in trust for its protection of property or

(d) By conveyance or mortgage for its protection or

(e) In case a suretyship obligation was made on behalf or on account of a fiduciary holding property in a trust capacity by deposit or other disposition of a portion of the property so held in trust that no future sale mortgage pledge or other disposition can be made thereof without the consent of such corporation except by decree or order of a court of competent jurisdiction

Provided (1) That such a corporation may execute what are known as transportation or warehousing bonds for United States internal revenue taxes to an amount equal to fifty per centum of its capital and surplus (2) that when the penalty of the suretyship obligation exceeds the amount of a judgment described therein as appealed from and thereby secured or exceeds the amount of the subject matter in controversy or of the estate in the hands of the fiduciary for the performance of whose duties it is conditioned the bond may be executed if the actual amount of the judgment or the subject matter in controversy or estate not subject to supervision or control of the surety is not in excess of such limitation and (3) that when the penalty of the suretyship obligation executed for the performance of a contract exceeds the contract price the later shall be taken as the basis for estimating the limit of risk within the meaning of this section

No such corporation shall anything to the contrary in this section notwithstanding execute suretyship obligations guaranteeing the deposits of any single financial institution in an aggregate amount in excess of ten per centum of the capital and surplus of such corporate surety unless it shall be protected in excess of that amount by credits in accordance with subdivisions (a) (b) (c) or (d) of this section Upon satisfactory evidence of the violation of this section by any insurance company association or exchange its members officers directors or attorney-in-fact the Insurance Commissioner shall in his discretion take against the offending party any one or more of the following courses of action (1) Revoke the certificate of authority of such offending company association or exchange (2) refuse for a period of not to exceed one year thereafter to issue a new license to such offending company association or exchange (3) impose a fine of not more than one thousand dollars for each act of violation of said section When the Insurance Commissioner shall take any action as above set forth the party aggrieved may appeal to the court of common pleas of Dauphin County Any insurance company or the officers directors members or attorney-in-fact of any insurance company association or exchange or any other person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) for each and every violation or to imprisonment in the jail of the county in which the offense is committed for a period of not more than six (6) months or both

Section 662 Certificate to do Business If the Insurance Commissioner is satisfied that such company is solvent and has the cash capital herein provided for and surplus assets in excess of its capital stock its outstanding debts and the premiums reserve specified and that it has in all respects complied with and is qualified under this State his certificate that it is authorized to become and be accepted as sole surety on all bonds undertakings and obligations required or permitted by law or the charter ordinances rules or regulations of any municipality board body organization or public officer which said certificate shall be conclusive proof of the solvency and credit of such company for all purposes and of its right to be so accepted as such sole surety and its sufficiency as such

Section 663 Information to be Furnished Annually Every such company shall also annually in the month of January file with the Insurance Commissioner a statement similar to that hereinbefore in section six hundred and sixty-one (661) provided for and shall also furnish him with a certificate from the officer with whom the deposit herein mentioned is required to be made describing such securities so deposited and the manner in which they are held by him and stating that he is satisfied that such securities are fully worth one hundred thousand dollars ($100,000) and also shall furnish the Insurance Commissioner with such other information touching the condition and credit of the company as he may require signed and sworn to

Section 664 Power to Execute Bonds Et Cetera Any surety company which is authorized to do business in this Commonwealth in accordance with the provisions of this act is authorized to execute any bond recognizance or other obligation which is required by law or by the charter ordinances rules or regulations of any municipality board body or public officer to be given with surety or sureties The execution by such company of any such bond recognizance or obligation shall be a full and complete compliance with every requirement of such law charter ordinance or rule and obligation that such bond obligation or recognizance shall be executed by one or more sureties or that such sureties shall be residents householders freeholders or possess any other qualifications

Section 665 Liability of Companies No surety company having signed a bond undertaking or obligation shall be permitted to deny its corporative power to execute such instruments or incur such liability in any proceeding to enforce liability against it thereunder

(f) BOILER INSURANCE

Section 671 Liability of Companies Companies incorporated under the laws of this State or doing business in this Commonwealth with power to insure against loss by the explosion of steam boilers may insure all loss or damage which the owner or owners of said boiler or their em-

ployes or other persons may suffer or be liable for in case of an explosion of the boiler mentioned in any policy of insurance issued by such company for the amount specified therein

(g) GROUP HEALTH AND ACCIDENT INSURANCE

Section 680 Definition of Group Health and Accident Insurance (a) Group health and accident insurance is hereby declared to be insured against loss or expense from sickness or loss expense or damage from bodily injury or death of the insured by accident or accidental means written under a policy covering not less than twenty-five employes with or without medical examination issued to the employer the cost of which is to be borne by the employer by the employes or by the employer and employes jointly and insuring only all of his employes or all of any class or classes thereof determined by conditions pertaining to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the cost is to be borne by the employes or by the employer and employes jointly and the benefits of the policy are offered to all eligible employes not less than seventy-five per centum of such employes may be so insured "Such Group policy may provide that the term "employes" shall include the officers managers and employes of subsidiary or affiliated corporations and the individual proprietors partners and employes of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the common employer through stock ownership contract or otherwise"

(b) The following forms of health and accident insurance are hereby declared to be group health and accident insurance within the meaning of this act (1) Health and accident insurance covering the members of any police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness and written under a policy issued to the commanding officer of such police or fire department who shall be deemed to be the employer for the purposes of this act the cost of which is to be borne by the members of such departments for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of such police or fire department not less than seventy-five per centum of the members of such department may be so insured and (2) health and accident insurance issued to any municipal corporation or department thereof where the officers employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injury or sickness and written under a policy issued to such municipal corporation or department thereof which shall be deemed to be the employer for the purposes of this act the cost of which is to be borne by the municipal corporation or department thereof and its employes jointly and insuring its employes for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the municipal corporation or department thereof Provided however that when the cost is to be borne by the municipal corporation or department thereof and its members jointly and the benefits are offered to all eligible employes not less than seventy-five per centum of such employes may be so insured

Section 681 Uniform Provisions for Policies of Group Health and Accident Insurance No Policy of group health and accident insurance shall be issued or delivered in this Commonwealth after January 1st 1936 by any stock or mutual casualty insurance company or any stock or mutual life insurance company issuing such policies unless and until a copy of the form thereof has been filed with the Insurance Commissioner Strike out the balance of the line beginning with "and" and lines 12 and 13 and substitute therefor the following "Nor shall it be so issued or delivered until the expiration of 30 days after it has been so filed unless the Insurance Commissioner shall sooner give his written approval thereto If the Insurance Commissioner shall notify in writing the company which has filed such form that it does not comply with the requirements of law specifying the reasons for his opinion it shall be unlawful thereafter for any such insurer to issue any policy in such form The action of the Insurance Commissioner in this regard shall be subject to review by the Court of Common Pleas of Dauphin County Every such policy shall contain in substance the following provisions"

(a) A provision that the policy the application of the employer and the individual applications if any of the employes insured shall constitute the entire contract between the parties and that no statements made by the applicant or applicants for insurance "shall void the insurance unless contained in a written application

(b) A provision that no agent has authority to change the policy or to waive any of its provisions and that no change in the policy shall be valid unless approved by an officer of the insurer and such approval be endorsed thereon

(c) A provision that the company will issue to the employer for delivery to the employe who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom any accidental death benefit under the policy shall be payable and to whom such benefits other than those pertaining to death by accident shall be payable in the event of the insured's mental incapacity to receive such benefits

(e) A provision that to the group or class thereof originally eligible for insurance shall be added from time to time all new employes of the employer in such group or class

(f) A provision that in the event of an injury suffered by an employe covered under the group insurance contract written notice upon which claim may be based must be given to the insurer within twenty days after the date of accident causing such injury and that in the event of sickness suffered by an employe covered under the policy of group insurance written notice upon which the claim may be based must be given to the insurer within ten days after the commencement of disability from such sickness

(g) A provision that such notice of claim given by or in behalf of the insured or beneficiary as the case may be to the insurer at its home office or to any authorized agent of the insurer with particulars sufficient to identify the insured shall be deemed to be notice to the insurer and that failure to give such notice within the time provided in the policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible

(h) A provision that the insurer upon receipt of such notice of claim will furnish to the claimant such forms as are usually furnished by it for filing proof of loss If such forms are not furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss proof covering the concurrence character and extent of the loss for which claim is made

(i) A provision that affirmative proof of loss must be furnished to the insurer at its said office in case of loss of time from disability within sixty days after the commencement of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss

(j) A provision that the insurer shall have the right and opportunity to examine the person of the employe when and so often as it may reasonably require during the pendency of claim hereunder and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law

(l) A provision that all indemnities payable under the policy shall be payable to the insured except in the event of the insured's mental incapacity to receive such benefits and except those payments for loss of life as a result of accident or accidental means which latter payments shall be payable to the beneficiary if surviving the insured and otherwise to the estate of the insured or as provided in the policy

(m) A provision that if a death benefit is provided in the event of accidental death or death by accidental means the consent of the beneficiary shall be requisite to change of beneficiary or to any other changes concerning the insurance coverage

(n) A provision that no action at law or in equity may be brought to recover under the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with requirements of the policy nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy

(o) A provision that if any time limitation under the policy with respect to giving notice of claim or furnishing proof of loss is less than that permitted by the law of the State in which the insured resides at the time this policy is issued such limitation is thereby extended to agree with the minimum period permitted by such law

Section 682 Optional Uniform Provisions for Policies of Group Health and Accident No such policy shall be issued or delivered which contains any provision (a) Relative to cancellation at the instance of the insurer or (b) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium h ; been paid or (c) providing for the deduction of any premiums from the amount paid in settlement of claim or (d) relative to the age limits of the policy or (e) relative to readjustment of the premium rate unless such provisions are contained in the policy in substance as hereinafter set forth but the insurer may at its option omit from the policy any such optional uniform provision

(a) A provision that the insurer may cancel the policy at the end of the first or any subsequent year of insurance by written notice delivered to the employer or mailed to the last address as shown by the records of the insurer and that such cancellation shall be without prejudice to any claim originating prior thereto

(e) A provision that the policy may state the ages under which and over which the insurance provided therein shall not be applicable the following words "and the ages for which additional restrictions are placed on the benefits and that any premium paid to the insurer for any period for which no coverage is provided by the policy will be returned upon request A provision for readjustments of the premium rate by the insurer based on experience at the end of the first or any subsequent year of insurance which readjustments may be made retroactive for such policy year only

Section 683 Individual Certificates Individual certificates setting forth a statement as to the insurance protection to which the employe is entitled under the group policy along with a statement as to whom any accidental death benefits under the policy shall be payable and to whom such benefits other than those pertaining to accidental death or death by accidental means shall be payable in the event of the insured's mental incapacity to receive such benefits shall be issued to each employe insured under the group insurance policy Such certificate shall also contain the sections of the group policy as provided in sub-divisions (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) of Section six hundred eighty-one and such of the sub-divisions (a) (b) (c) (d) (e) and (f) of Section six hundred eighty-two as are included in the policy

Section 684 Policies Unlawfully Issued Except as herein provided it shall be unlawful to make a contract of group health and accident insurance in this Commonwealth At the end of this line add "provided however that nothing herein contained shall prohibit the inclusion in such contracts of Group Health and Accident insurance provisions or limitations not inconsistent with any section of sub-division (g) of this article"

Section 685 Voting Power Under Policies of Group Health and Accident Insurance In every group policy so issued the employer shall be deemed to be the policyholder for all purposes within the meaning of this act and if entitled to vote at a meeting of the company shall be entitled to one vote thereat

Section 686 Policy Provisions Required by Foreign Laws Policies of insurance against accidental bodily injury or sickness issued by an insurer not organized under the law of this Commonwealth may contain when issued in this Commonwealth any provision which the law of the State Territory or district of the United States or country under which the insurer is organized prescribes for insertion in such policies Policies of insurance against accidental bodily injury or sickness issued by an insurer organized under the laws of this Commonwealth may contain when issued or delivered in any other State Territory district or country any provision required by the laws of the State Territory district or country in which the same are issued anything in this act to the contrary notwithstanding

Section 687 Contradictory Policy Provisions Prohibited No such policy shall be issued or delivered if it contains any provision contradictory in whole or part of any of the provisions hereinbefore in this act designated as "Uniform Provisions for Policies of Group Health and Accident Insurance" or as "Optional Uniform Provisions for Policies of Group Health and Accident Insurance" nor shall any endorsements or attached papers vary alter extend or be used as a substitute for or in any way conflict with any of the said "Uniform Provisions for Policies of Group Health and Accident Insurance" or the said "Optional Uniform Provisions for Policies of Group Health and Accident Insurance" nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter constitution or by-laws of the insurer a part of the policy unless such portion of the charter constitution or by-laws shall set forth in full in the policy but Any such policy may be issued or delivered in this State which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several requirements of this Act more favorable to the employer or to the employe than herein required

Section 688 False Statements in Applications The falsity of any statement in the application for any policy covered by subdivision (g) of this article shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer

Section 690 Rights of Insurer Not Waived The acknowledgment by any insurer of the receipt of notice given under any policy covered by subdivision (g) of this article or the furnishing of forms for filing proofs of loss or the acceptance of such proofs or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy

Section 691 Policies Unlawfully Issued A policy issued in violation of subdivision (g) of this article shall be held valid but shall be construed as provided herein and when any provision in such a policy is in conflict with any said provision such provision so conflicting shall be invalid and the policy shall be deemed to contain all of the standard provisions No policy of Group Health and Accident Insurance nor the proceeds thereof nor any benefit payable thereunder shall be liable to attachment garnishment or other process nor to be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of an employe or his beneficiary or any person who may have a right thereunder either before or after payment nor shall the proceeds thereof when not made payable to a named beneficiary constitute a part of the estate of the employe for the payment of his debts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2375, entitled:

An Act to amend section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to

insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 301 Requisites for Foreign Companies to do business No stock or mutual insurance Company or association of any other state or foreign government shall be admitted and authorized to do business until

(a) It has filed with the Insurance Commissioner a certified copy of its charter or deed of settlement a statement of its financial condition and business signed and sworn to by its proper officers disclosing its assets to be of the same general character that companies organized under the laws of this Commonwealth are permitted to hold and copies of forms of all policies it proposes to issue in this Commonwealth with such other information as he may require

(b) It has satisfied the Insurance Commissioner that it is fully and legally organized under the laws of its State or government to do the business it proposes to transact and if a stock company that it is in possession of at least the amount of fully paid up and unimpaired capital required for similar companies organized under the laws of this Commonwealth and if a mutual company that it is in possession of the required surplus

(c) It has filed with the Insurance Commissioner an agreement under its corporate seal that it will not transact in this Commonwealth any business which any similar insurance company organized under the laws of this Commonwealth may not transact It shall by a duly executed instrument filed in his office constitute and appoint the Insurance Commissioner or his successor its true and lawful attorney upon whom all lawful processes in any action rule order or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the company and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this Commonwealth

(d) It shall file in the office of the Auditor General a statement showing (I) The name of the company or association (II) The date of incorporation or organization (III) the Act of Assembly or authority under which incorporated or organized (IV) the place of business (V) the post-office address and names of the president secretary and treasurer (VI) the amount of capital authorized by its charter and (VII) the amount of capital paid into the treasury of the company

Any company or association which shall neglect or refuse to file such statement shall be subject to a penalty of five hundred dollars ($500.00) which penalty shall be collected on an amount settled by the Auditor General and State Treasurer in the same manner as taxes on stock are settled and collected

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2189, entitled:

An Act to amend sections one and eight and sections nine ten eleven and twelve as amended of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" by providing for the election of an additional associate judge of the Municipal Court who with one other associate Judge shall form the Family Court and providing for the jurisdiction thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in the county of Philadelphia there shall be and hereby is created a court of record to be known as the Municipal Court of Philadelphia It shall consist of a president judge and one associate judge for each two hundred thousand of population or fractional part thereof in excess of one hundred thousand in such county such population to be determined from time to time by the latest census of the United States

In addition to the above number of judges there shall be elected one associate judge who shall be elected at the next municipal election to be held in November one thousand nine hundred and thirty-five and who shall have the same qualifications for office hold office for the same term and be subject to the same provisions of law as are the other associate judges of this court

Such newly elected judge together with one of the associate judges duly elected by the board of judges of the Municipal Court shall form and shall be known as the Family Court

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2190, entitled:

An Act To amend sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" giving jurisdiction over houses of detention to the Family Court

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter the [Municipal] Family Court of Philadelphia shall have exclusive jurisdiction over all houses of detention that are now or may hereafter be established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children and that the board of managers of the said house or houses of detention shall hereafter be appointed by the judges of the [Municipal] Family Court of Philadelphia to the exclusion of any authority to appoint said board that may be now vested in the judges of the Municipal Court [of oyer and terminer and general jail delivery and the courts of quarter sessions of the peace having jurisdiction in the said city]

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2683, as follows:

An Act to amend the act approved the twentieth day of December one thousand nine hundred thirty-three one thousand nine hundred thirty-four (Pamphlet Laws eighty-nine) entitled "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimbursement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of December one thousand nine hundred thirty-three one thousand nine hundred thirty-four (Pamphlet Laws eighty-nine) entitled "An act appropriating the moneys in The State Stores Fund" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as much of the moneys from time to time in The State Stores Fund as may be necessary are hereby appropriated to the Pennsylvania Liquor Control Board for the proper conduct of its work in establishing maintaining and operating Pennsylvania Liquor Stores warehousing and testing liquor issuing liquor licenses to hotels restaurants clubs and public service companies and otherwise administering and enforcing the Pennsylvania Liquor Control Act as follows

(a) For the payment of the salaries wages or other compensation and traveling and other necessary expenses of the members of the board and such superintendents managers assistant superintendents assistant chiefs assistant engineers draftsmen accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers laborers and other assistants and employes as may be required in the performance of the duties above mentioned and such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to the board or for handling any legal business pertaining to its work

(b) For the purchase maintenance and repair of furniture furnishings stationery supplies materials equipment fuel and printing and binding and for the payment of the premiums on policies of insurance covering motor vehicles operated by employes of the board and surety bonds for officers and employes of the board required to furnish such bonds but all such purchases and all such contracts of insurance and surety bond shall be placed through the Department of Property and Supplies as purchasing agent

(c) For the purchase of automobiles and other automotive equipment through the Department of Property and Supplies the maintenance and operation of automobiles and for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles

(d) For the purchase of liquors to be sold in or through Pennsylvania Liquor Stores

(e) For the payment of postage telegrams telephone rentals and toll charges and rentals for or royalties upon leased office equipment or other devices or machines

(f) For the payment of rentals for buildings or other accommodations leased by the board through the Department of Property and Supplies for use by or in connection with Pennsylvania Liquor Stores or for the storage or testing of liquors purchased by the board

(g) For the payment of premiums upon policies insuring the Commonwealth against workmen's compensation liability to employes or dependents of employes of the board

(h) For all other expenses of every kind and description necessary for the performance by the board of the aforesaid work

(i) For the payment to the Department of the Auditor General of the costs incurred by that department in auditing requisitions drawn on The State Stores Fund and in auditing annually periodically or specially the affairs of the Pennsylvania Liquor Control Board at such amounts as the Department of the Auditor General with the approval of the Executive Board shall determine for

the payment to the Treasury Department of the cost of making disbursements out of The State Stores Fund on behalf of the Pennsylvania Liquor Control Board in the performance of the duties of the board at such amounts as the Treasury Department with the approval of the Executive Board shall determine for the payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other service utilized and consumed by the Pennsylvania Liquor Control Board for the performance of its duties at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

[(i)] (j) For the payment of claims for refunds made to and approved by the board for moneys paid into The State Stores Fund to which the Commonwealth is not rightfully entitled

Section 2 That the said act is hereby amended by adding after section one of the act the following new sections

Section 2 As much of the money from time to time in The State Stores Fund as may be necessary is hereby appropriated to the Department of Public Instruction for the payment of salaries wages or other compensation of officers examiners and other employes for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising printing freight express cartage and incidental expenses necessary for the proper conduct of the work of the department in conducting civil service examinations for the selection of the officers and employes to be employed by the Pennsylvania Liquor Control Board to operate or assist in the operation of Pennsylvania liquor stores or other establishments maintained by the board for storing and testing liquors

Section 3 Any moneys in The State Stores Fund from time to time which may not be required for any of the purposes hereinbefore specified in this act shall be paid over into the General Fund and shall be available for the payment of appropriations made from the General Fund The Pennsylvania Liquor Control Board with the approval of the Governor shall from time to time fix the amount of money which may be so paid over into the General Fund and by its requisition shall direct the Department of the Auditor General and the Treasury Department to transfer such moneys from The State Stores Fund into the General Fund

Section 4 Estimates of the amounts to be expended from The State Stores Fund under this act from time to time by the Pennsylvania Liquor Control Board and the Department of Public Instruction respectively shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys whatsoever out of The State Stores Fund by the Pennsylvania Liquor Control Board or by the Department of Public Instruction for any purpose whatsoever in excess of the estimates approved by the Governor

Subject to the foregoing provision the moneys in The State Stores Fund shall be paid out of the fund upon warrant of the Auditor General drawn after requisition by the Pennsylvania Liquor Control Board of the Department of Public Instruction as the case may be

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 That section two of the said act is hereby amended to read as follows

Section [2] 6 This act as amended shall become effective immediately upon its [approval by the Governor] final enactment and shall be retroactive to the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2546, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by changing the financial and other requirements for companies exchanges and associations writing workmen's compensation insurance by restricting investment of the surplus of such insurers be requiring such insurers and the State Fund to accept certain rejected risks and by adding new sections

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 206 and 603 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associiations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" are hereby amended or further amended as the case may be to read as follows

Section 206 Minimum Capital and Financial Requirements To Do Business (a) Stock insurance companies organied under this act to insure lives and to grant and dispose of annuities must have a capital of not less than two hundred thousand dollars ($200.000) Stock insurance companies organized under this act for all of the purposes mentioned in clause (1) subdivision (a) of section two hundred and two (202) must have a capital of at least three hundred thousand dollars ($300,000) Every such company shall in addition thereto have a surplus paid in at least equal to fifty per centum of the subscribed capital

(b) Stock fire stock marine and stock fire and marine insurance companies organized under this act for any of the purposes mentioned in either clauses (1) or (2) of subdivision (b) section two hundred and two (202) of this act must have a paid up capital of not less than one hundred thousand dollars ($100,000) if organized for all of the purposes mentioned in clauses (1) and (2) or in clause (3) of subdivision (b) section two hundred and two (202) of this act two hundred thousand dollars ($200.000) and if organized for all of the purposes mentioned in clauses (1) (2) and (3) of subdivision (b) of section two hundred and two (202) of this act four hundred thousand dollars ($400,000) Every such company shall in addition thereto have a surplus paid in at least equal to fifty per centum (50%) of the subscribed capital

(c) Stock casualty companies organized under this act for any of the purposes of insurance mentioned in subdivision (c) of section two hundred and two (202) of this act must have a capital of not less than one hundred thousand dollars ($100.000) except companies organized for the purpose of credit insurance which must have a paid up capital of not less than two hundred thousand dollars ($200.000) and companies organized to guarantee the fidelity of persons and contracts of suretyship which must have a capital of at least two hundred and fifty thousand dollars ($250,000) Stock casualty companies organized under this act may undertake two or more classes of insurance mentioned in subdivision (c) of sec-

tion two hundred and two (202) of this act by providing at least fifty thousand dollars ($50,000) additional capital for each additional class of insurance except in case credit or fidelity and surety insurance is added to any other line or lines in which case the additional capital for credit insurance shall be one hundred thousand dollars ($100,000) and the additional capital for fidelity and surety insurance shall be two hundred thousand dollars ($200,000) Any such stock casualty company with a paid up capital of three hundred thousand dollars ($300,000) may transact all of the classes of insurance mentioned in subdivision (c) of section two hundred and two (202) of this act except credit live stock and fidelity and surety insurance and a company with a paid up capital of seven hundred and fifty thousand dollars ($750,000) may transact all of the classes of insurance mentioned Every such company shall in addition thereto have a surplus paid in at least equal to fifty per centum (50%) of the subscribed capital

(d) Companies organized under this act to insure lives on the mutual plan must have applications for insurance to the amount of one million dollars ($1,000,000) by not less than four hundred persons Companies organized under this act to insure lives on the mutual plan must also have a guarantee capital before commencing business of not less than two hundred thousand dollars ($200,000)

(e) Mutual companies other than mutual life companies organized under this act shall comply with the following conditions

(1) Each such company shall hold bona fide applications for insurance upon which it shall issue simultaneously or it shall have in force at least twenty (20) policies to at least twenty (20) members for the same kind of insurance upon not less than two hundred (200) separate risks each within the maximum single risk described herein

(2) The "maximum single risk" shall not exceed twenty per centum (20%) of the admitted assets or three times the average risk or one per centum (1%) of the insurance in force whichever is the greater any reinsurance taking effect simultaneously with the policy being deducted in determining maximum single risk

(3) It shall have collected a cash premium upon each application which premium shall be held in cash or securities in which insurance companies are authorized to invest and shall be equal in case of fire insurance to not less than twice the maximum single risk assumed subject to one fire nor less than ten thousand dollars ($10,000) and in any other kind of insurance to not less than five times the maximum single risk assumed and in case of workmen's compensation insurance to not less than [fifty] one hundred sixty thousand dollars [($50,000)] ($160,000)

(4) For the purpose of transacting employers' liability and workmen's compensation insurance the application shall cover not less than [five] twenty thousand [(5,000)] (20,000) employes each such employe being considered a separate risk for determining the maximum single risk

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study and amendment.

The motion was agreed to

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2528, as follows:

An Act to amend section five hundred and two of article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissoluton of nsurance companes Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Secton 502 Applications to Court to Take Over Business of Companies Et Cetera for Protection of Policyholders Creditors Et Cetera Whenever any domestic insurance company association exchange title insurance company fraternal benefit society or beneficial society or order including all corporations associations societies and orders which are subject to examination by the Insurance Commissioner or which are doing or attempting to do or representing that they are doing the business of insurance in this Commonwealth or which are in process of organization intending to do such business therein (a) is insolvent or (b) has refused to submit its books papers accounts or affairs to the reasonable inspection of the Insurance Commissioner or his deputy or examiner or (c) has neglected or refused to observe an order of the Insurance Commissioner to make good within the time prescribed by law any deficiency whenever its capital if it be a stock company or its reserves if it be a mutual company an association exchange title insurance company fraternal benefit society or beneficial society or order shall have become impaired or (d) has by contract or reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company association exchange title insurance company fraternal benefit society or beneficial society or order without having first obtained the writen approval of the Insurance Commissioner or (e) is found after an examniation to be in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public or (f) has willfully violated its charter or any law of the Commonwealth or (g) whenever any officer thereof has refused to be examined under oath touching its affairs or (h) was incorporated organized or is operating without authority of law the Insurance Commissioner shall communicate the facts to the Attorney General who shall after hearing apply to the court of common pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange title insurance company fraternal benefit society or beneficial society or order is located for an order directing such company association exchange title insurance company fraternal benefit society or beneficial society or order to show cause why its business should not be closed and the Insurance Commissioner should not take possession of its property and conduct its business and for such other relief as the nature of the case and the interests of its policyholders creditors stockholders or the public may require

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 867, as follows:

An Act to amend section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by revising the provisions relating to the publication of notices in newspapers

Section 1 Be it enacted by the Senate and House of Representativs of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 109 Wherever in any of the provisions of this act notice advertisement or publication is required to be given in one newspaper in the county [such notice] the same shall be published in a [general] newspaper of general circulation as defined by the Newspaper Advertising Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) published within the limits of the borough or district affected or if there be no such newspaper then publication shall be made in a [general] newspaper of general circulation of the county or adjacent county circulating in such borough or district and when such notice advertisement or publication relates to any proceedings or matter in any court or the holding of an election for the increase of indebtednesss or for the issue and sale of bonds to be paid by taxation or when so required by rules of court of such county also in the legal newspaper if any designated by the rules of court of such county for the publication of legal notices and advertisements Provided That borough ordinances shall be published only in [general] newspapers of general circulation defined as aforesaid

Section 2 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2219, entitled:

An Act to further amend section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the compensation to be paid for controllers in school districts of the third class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public schol system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 679) is hereby further amended to read as follows

Section 2623 The compensation for auditors in school districts of the second class shall together with suitable allowances for qualified assistants and for other necessary expenses be fixed by the board of school directors of said districts on application from time to time made by the auditors with itemized statements of services assistants and other necessary expenses and in school districts of the third class the compensation for auditors shall be five dollars ($5.00) per day for each day necessarily spent by each auditor Provided That in any of school district of the third class having the office of controller the compensation of the controller shall be fifteen dollars ($15.00) per day for each day necessarily spent by him and the total expense of such auditing including the cost of filing the report advertising and other necessary costs shall be paid by the school district The compensation of any certified public accountants employed by the school district of the second class shall be fixed by the directors of such district and paid by the district

On the question,

Will the House agree to the section?

Mr. McELROY. Mr. Speaker, I desire to offer the following amendment

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 1, by striking out the word "the" and insert in lieu thereof "any"

On the question,

Will the House agree to the amendment?

It was agreed to.

Mr. WEIDEMANN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 2, by inserting after the word "second" the following: "and third"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to further amend section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the compensation to be paid for controllers in school districts of the third class

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1965, as follows:

An Act to amend sections twelve and thirteen of the act approved the third day of May one thousand nine hundred and thirty-three (P. L 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" requiring certificates of registrations to show the photograph of the registered person or manager and providing for the suspension and revocation of registrations on account of Sunday work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections twelve and thirteen of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" are hereby amended to read as follows

Section 12 Examinations If the department finds that the applicant has submitted the credentials required by this act for admission to examination and has paid the registration fee required by this act the department shall admit such applicant to examination and shall issue a certificate of registration to practice as operator manager or teacher as the case may be to those successfully passing the required examinations Every certificate of registration issued by the department shall have attached securely thereto a photograph of a person to whom the same is issued and where a certificate is issued in the name of a corporation it shall have attached thereto the photograph of the manager thereof Such photographs shall be furnished by the applicant for registration and shall be of such size as the department may require The department shall hold public examinations on the third Tuesday in January April July and October in the cities of Philadelphia Pittsburgh Wilkes-Barre Harrisburg and Erie at such hours as the department shall prescribe The examination for teachers' and managers' licenses shall differ from the examination for operators' licenses in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of beauty culture including ability to teach properly the various practices and theories of beauty culture

Section 13 Powers and Duties of Department The department shall have the power to refuse revoke or suspend licenses or certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices or for performing beauty culture work on Sunday and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so suspended or revoked may after the expiration of ninety days on application to the department have the same reissued to him or her upon satisfactory proof that the disqualification has ceased Before the department may institute any of the above proceedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedngs above outlined will be initiated

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1616, as follows:

An Act to amend section five hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended empowering school districts to incur or increase indebtedness to repair rebuild or replace heating plants and equipment connected therewith and building equipment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and six of the act aproved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was last amended by the act approved the twenty-sixth day of April one thousand nine hundred and thirty-three (Pamphlet Laws seventy-nine) and the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand nine hundred fifty-two) is hereby further amended to read as follows

Section 506 The board of school directors in any school district of this Commonwealth in any year in order to purchase or acquire proper sites or grounds for school buildings or any lands additional to any present school sites or grounds or to erect enlarge equip or furnish any school building or to repair or rebuild any new or old building or the heating plant or equipment connected therewith or to replace any plants parts or equipment of any building so that the building may be operated more economically or its sanitary conditions may be improved or in order to pay or refund any existing indebtedness of any school district or to pay any indebtedness incurred by any municipality for or on account of any school district or for school purposes as is herein required to be assumed by any school district hereby established or to refund as herein authorized to any municipality the amount of any such indebtedness or to pay or refund obligations of certificates of indebtedness issued under the provisions of section five hundred and eight of this act may create and incur an indebtedness against such school district and issue bonds to secure the same for any

and all such purposes or may create and incur an increase of any existing indebtedness against any such school district for any and all purposes to any amount that the total indebtedness of such district including the indebtedness of any school or ward school district therein if any shall never exceed seven per centum upon the assessed value of the taxable property for school purposes therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2166, entitled:

An Act relating to minimum salaries and annual increments of the teaching and supervising staffs of the public schools granting power to the Superintendent of Public Instruction to permit as to certain school districts temporary reductions in the salary schedules authorizing the Superintendent of Public Instruction to suspend mandatory provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and of its amendments and supplements prohibiting school districts from demanding requesting or accepting gifts or donations from members of the teaching and supervising staffs and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof relating to the effect of payment of salaries which are less than those prescribed by salary schedules granting certain options to the members of the School Employes' Retirement System and temporarily superseding any inconsistent acts and parts of acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall be construed in this act to have the following meanings

1 "Employe" Any teacher principal supervisor or supervising principal county superintendent district superintendent assistant superintendent any member of the staff of the State Teachers' Colleges of the Cheyney Training School for Teachers of the staff of the Department of Public Instruction or of the staff of the State Council of Education or any clerk stenographer janitor attendance officer or other person engaged in any work concerning or relating to the public schools of this Commonwealth or in connection therewith or under contract or engagement to perform one or more of these functions No person however shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods In all cases of doubt the School Employes' Retirement Board shall determine whether any person is an employe as defined in this act

2 "Employer" The Commonwealth school district State Teachers' Colleges Cheyney Training School for Teachers board or other committee by which the employe is paid

3 "Teacher or Supervisor" A member of the teaching or supervisory staff or other appointee of any school district to whom any statutory minimum salary schedule shall be applicable

4 "Salary Schedule" A schedule of minimum basic salaries plus required increments prescribed by any act of Assembly for the payment of salaries of teachers or supervisors

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. NAGEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2543, as follows:

An Act To amend clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended exempting certain additional contracts from the contractual provisions and raising the yearly maximum of contracts in which borough officials may be interested

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred thirty-six) and the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighty-six) is hereby further amended to read as follows

LIII Regulation of Contracts To make contracts or purchases in connection with proper legal requirements of the borough Provided That all contracts or purchases other than purchases for water electric light natural or artificial gas and other public utility services and other public works of the borough or for improvement repairs or maintenance made or provided by its employes or where the State or county is a party or cooperates through its employes or the loan of its equipment with the borough to a street improvement or street repairs or maintenance made by any borough involving an expenditure of over five hundred dollars ($500) shall be in writing and shall not be made except with and from the lowest responsible bidder after due public notice by the secretary published once a week for three weeks at intervals of seven days in one newspaper published in such borough and if no newspaper is published therein then by publication in one newspaper printed in the county and circulating generally in the borough and such bids shall be received opened and read in open meeting of council at a time fixed by such notice and not earlier than twenty-one days after the first publication thereof

In case of an emergency so declared by the affirmative vote of two-thirds of all the members of said council or a majority of council plus one when the number composing such council is less than nine the notice shall be published at least one week prior to the time fixed therein for opening bids

The acceptance of bids shall only be made by public announcement at the meeting at which bids are received or at a subsequent meeting the time and place of which shall be publicly announced when bids are received If

for any reason one or both of the above meetings shall not be held the same business may be transacted at subsequent meetings provided that one week's notice thereof shall be published in the newspaper aforesaid

The successful bidder when advertising is required herein shall be required to furnish a bond with sufficient surety in the amount of fifty per centum of the amount of the contract within ten days after the contract has been awarded and upon failure to furnish such bond within such time the previous award shall be void

It shall not be lawful for any burgess or member of council of any borough or any officer agent or employe thereof to be in any way interested either directly or indirectly in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of such borough involving the expenditure by the borough of [more than ten dollars in any one month or] more than one [hundred] thousand dollars in any year or to receive any reward or gratuity from any person interested in such contract or sale nor shall any such burgess member of council officer agent or employe of any borough be a member of any partnership or a stockholder or officer of any corporation or an agent or employe of any individual partnership or corporation in any way interested in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of or any work to be done for such borough involving the expenditure by the borough of more than [ten dollars in any one month or more than] one [hundred] thousand dollars in any year and any person violating these provisions or any of them shall forfeit his office or appointment in such borough and also shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2919 (Senate Bill No. 1380), entitled:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E. S. Blackburn deceased in favor of her residuary devisees and/or heirs-at-law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2909 (Senate Bill No. 895), entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In any suit action or proceeding heretofore or hereafter commenced to enforce the payment of cash by a bank bank and trust company or a trust company acting as fiduciary by reason of the fact that any mortgage upon real estate securing a bond or real estate acquired thereunder constituting a trust investment has been carried in the name of such corporate fiduciary on the public records the court having jurisdiction over such suit action or proceeding may upon such terms and conditions as it seems necessary and proper under the circumstances of each case stay such suit action or proceeding for a period not exceeding two years from the effective date of this Act upon petition of the corporate fiduciary showing the investment to have been made in good faith for the account of the cestui que trustent and otherwise in compliance with law and that such investment has been kept separate and apart from the corporate assets of the fiduciary on its own books and records and clearly designated thereon as the Property of the cestui que trustent

On the question,

Will the House agree to the section?

Mr. WICKERSHAM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 5, by striking out the word "heretofore"

Amend Sec. 1, page 1, line 6, by striking out the word "or"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth and sixth sections and the title were separately read and agreed to as follows:

Section 2 In exercising the powers conferred by this Act the courts shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay that the proceeding would work serious inequity by reason of the economic emergency and the right to stays on writs of execution under existing laws

Section 3 This Act shall not in any manner alter limit or repeal any rights or powers heretofore or hereafter granted to banks banks and trust companies and trust companies respecting the investment of fiduciary funds in mortgage or securities pools or participations therein

Section 4 If any clause phrase section or part of this Act is held by any court to be unconstitutional such ruling shall not affect the validity of the remaining or other portions of this Act it being the Legislative intent that the provisions of this Act are severable

Section 5 All acts or parts of acts inconsistent herewith are suspended while this Act is in effect

Section 6 This Act shall become effective immediately upon final passage by the Legislature and approval by the Governor

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2899 (Senate Bill No. 167), entitled:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1921 (Senate Bill No. 703), entitled:

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2810 (Senate Bill No. 348), entitled:

An Act to amend the title and to reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 785, entitled:

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth or in the service of boards bureaus public agencies and institutions maintained in whole or in part by the Commonwealth at a salary or compensation of any married person whose spouse is regularly employed in a gainful occupation and providing for certain exceptions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to provide for a more equitable distribution of gainful occupations and aid in lessening unemployment it is provided that hereafter no officer and no executive or administrative department and no independent or departmental administrative board or commission of the Commonwealth shall employ or continue to employ in the service of the Commonwealth at a salary or compensation payable by the Commonwealth any married person whose spouse is regularly employed in a gainful occupation at a salary of one thousand two hundred dollars ($1200) per year or more No person shall hereafter employ or continue to employ in the service of any board bureau public agency or institution maintained in whole or in part by funds of the Commonwealth any married person whose spouse is regularly employed in a gainful occupation at a salary of one thousand two hundred dollars (1200) per year or more

No person employed contrary to the provisions of this act shall be legally entitled to receive or to collect any salary or compensation for services rendered

It shall be unlawful for any officer or agent to knowingly draw any requisition or warrant in favor of or to issue any check for the payment of any salary or compensation to any person employed contrary to the provisions of this act Any officer or agent knowingly violating the provisions of this act shall be liable to surcharge for any moneys illegally expended

Nothing contained in this act shall prohibit the employment of a married person who does not cohabit with his or her spouse and who receives no support from such spouse

On the question,

Will the House agree to the section?

BILL DROPPED

Mr. SCHWARTZ. Mr. Speaker, I move that this bill be dropped from the calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be cosidered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2692, entitled:

An Act relative to the establishment and jurisdiction of magistrate's courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and dutes providing for supervisions of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts including payment of all salaries fixing salaries

and restricting magistrates to duties of office providing for penalties for violation of this Act and repealing certain prior Acts

The first to the fifty-seventh sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwelath of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "1935 Magistrates' Court Act"

Section 2 The twenty-eight Courts established by the second section of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue as therein provided

Section 3 Each of such courts shall be held by one magistrate whose term of office shall be six years and it shall be the duty of the council of the City of Philadelphia on or before the first day of January of every sixth year hereafter and whenever else it may be necessary to fix the general location of each of the such courts by declaring between which streets or roads it shall be so as to be the most convenient for suitors and for the despatch of the public business

Section 4 Such magistrates' courts shall be numbered in regular numerical order and shall be severally styled "Magistrate's Court number....." and shall be located by their numbers by the council of such city

Section 5 Such magistrate's courts shall have a seal with the coat of arms of the State of Pennsylvania engraved thereon and for legend "Magistrate's Court number.....of the city of Philadelphia" inserting the number of the court in such legend

Section 6 The magistrates in office at the date of the approval of this act shall hold their respective offices for their unexpired terms if they shall so long behave themselves well The qualified electors of the City of Philadlphia at large shall at the time fixed for the election of municipal officers in such city immediately preceding the expiration of the term of any magistrate or magistrates elect on the official ballot a successor or successors to any whose terms are about to expire as now provided by law

Section 7 All magistrates shall hold their offices for the term of six years from the first Monday of January next succeeding their election if they shall so long behave themselves well Such magistrates shall be voted for on the official ballot as now provided by law

Section 8 All magistrates hereafter elected or appointed shall have resided for at least five years immediately preceding their election in the City of Philadelphia and must be natural born citizens or naturalized citizens for at least ten years and shall be qualified voters thereof

Section 9 No magistrate shall engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization or political party

Each of the magistrates shall devote his entire time and attention so far as the public interest demands to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive for his own use any fees moneys or perquisites of office

Section 10 After the City Council has located the magistrate's courts by numbers and before the magistrates shall enter upon the discharge of their duties they shall assemble in the presence of the Mayor of the City of Philadelphia and each magistrate shall draw by lot in the order of the alphabetical rotation of their surnames the location of the court which he shall hold till the expiration of his term of office

Section 11 The City Council shall not change the localities of the respective courts during the terms for which the magistrates shall have been elected and thereafter at the expiration of the term of six years for which such magistrates have been elected their successors shall be elected and draw their courts in the manner hereinbefore set forth

Section 12 After the magistrates have drawn their courts as aforesaid it shall be the duty of the mayor of the city to certify to the Governor of the Commonwealth the names of the several magistrates with the number of the court drawn by each and the Governor shall forthwith commission each of such magistrates as of the court drawn by each which commission shall be duly recorded in the office for the recording of deeds for the City and County of Philadelphia

Section 13 Before entering upon the discharge of his duties each of the magistrates shall take and subscribe the following oath before one of the judges of the courts of common pleas for the County of Philadelphia "I do solemnly swear (or affirm) that I will support obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity that I have not paid or contributed or promised to pay or contribute either directly or indirectly any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law that I have not knowingly violated any election law of this Commonwealth or procured it to be done by others in my behalf that I will not knowingly receive directly or indirectly any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office other than the compensation allowed by law" and they and each of them shall give bond in the sum of three thousand dollars ($3,000) with two or more sufficient sureties who shall be freeholders and approved by one of the judges of the courts of common pleas of such county or shall give a surety company bond which bond shall be taken by the prothonotary of such court in the name of the Commonwealth with conditions for the faithful performance of his duties and proper application of all moneys that shall come into his hands as such magistrate Such bond shall be held in trust for the benefit of all persons the City of Philadelphia and the Commonwealth of Pennsylvania who may sustain injury from such magistrate in his official capacity The sureties shall in no case be liable unless proceedings be commenced within six years from the time such cause of action shall accrue Such bond shall forthwith be recorded in the office for the recording of deeds Copies of the record of any such bond recorded as aforesaid and duly certified by the recorder of deeds for the time being shall be good evidence in any action brought against the obligors according to its form and effect in the same manner as the original would be if produced and offered in evidence

Section 14 Should any vacancy happen in the office of magistrate either by death resignation disqualification removal or otherwise such vacancy shall be filled for the full term of six years in the manner hereinbefore set forth at the next succeeding municipal election held in the City of Philadelphia after said vacancy shall happen and it shall be the duty of the Governor in the meantime to appoint and commission a suitable person to fill such vacancy until the first Monday of January next succeeding the first municipal election after such vacancy shall happen Provided however That if such vacancy shall happen within two calendar months before any municipal election the vacancy shall not be filled until the second succeeding municipal election thereafter and the Governor shall appoint and commission a suitable person to fill such vacancy until the first Monday of January after such second municipal election

Section 15 If any magistrate for any cause shall be unable to attend to his official duties he shall notify the Chief Magistrate whose duty it shall be to appoint a substitute magistrate or magistrates to discharge the duties of the absentee until the latter's return to duty

Section 16 A civil and criminal docket shall be kept in each of such courts by the magistrate holding the same in which shall be entered daily all proceedings of such court including any and all intermediary stages of such

proceedings and it shall be the duty of the magistrate receiving any costs fees fines penalties or other moneys to note the same in the margin of the proper docket opposite to the entry of the case in respect to which the same is received with the date at which and the name of the person from whom the same was received together with the date when and the person to whom the same was paid

Section 17 Such dockets shall be open to the inspection of any person during the hours when the court is required to be kept open It shall also be the duty of each of the magistrates to keep a daybook in which he shall enter all costs fees fines and penalties collected by him with the date when the person from whom and the purpose for which the same was received He shall also note therein the time when and the manner in which the same is disposed of and the books and papers of such court including such daybooks shall be the property of the Commonwealth of Pennsylvania They shall pay over to the city treasurer within five days after the first Monday of every month all costs of suits fees fines penalties and other sums of money received during the preceding month excepting constables' fees which shall be paid such constables directly by such magistrates during the preceding month except such costs and judgments as the parties to any proceeding before them may by law be entitled to receive and shall at the same time furnish to the controller of such city under oath or affirmation an accurate account of all moneys so paid either into the city treasury or to such constables The controller of the city shall not countersign any warrant for the monthly payment of the salary of any magistrate until he is satisfied from inspection by himself or deputy of the dockets daybook or other books of such magistrate that such accounts are correct

Section 18 The jurisdiction of each of the magistrates shall extend throughout the City and County of Philadelphia and they shall be by virtue of their office ex officio justices of the peace They shall have all the powers and shall exercise the same jurisdiction civil and criminal (except as herein otherwise provided) as was formerly by law exercised by aldermen of such city and where by law two aldermen were required to hear and determine any matter brought before them the same jurisdiction shall be exercised by one magistrate

Section 19 In all actions brought before such magistrates on any contract for the payment of money either expressed or implied if the plaintiff shall file at any time before the issuing of the summons in any such case an affidavit stating the amount he verily believes to be due from the defendant together with a copy of the book entries or instrument of writing upon which the action is brought or where the claims are not evidenced by writing if the plaintiff shall file as aforesaid an affidavit setting forth a full and detailed statement of the same it shall be the duty of the magistrate to make a copy of such affidavit duly certify the same and deliver it to the constable to whom the summons is issued which certified copy shall be served at the time and in the manner that service is made of the summons in that case and the magistrate shall render judgment in favor of the plaintiff for the amount of his claim unless the defendant at or before the time at which the summons is made returnable shall have filed with the magistrate an affidavit of defense setting forth fully the nature and character of the same Provided That the affidavit required by this action may be made by the agent of the party where such agent is cognizant of the facts constituting the cause of action or defense or other matters set forth And provided further That nothing contained in this act shall be construed to alter impair or abridge the right of any person to appeal from the judgment of the magistrate or to certiorari the proceedings to the court of common pleas of such county as in other cases

Section 20 In all cases of summary conviction before the magistrates either party may appeal to the court of quarter sessions of the County of Philadelphia upon the allowance of any judge thereof upon cause shown and either party may also appeal from the judgment of such magistrates in a suit for a penalty to the courts of common pleas of such county upon the allowance of any of the judgmes thereof upon cause shown provided however that this enactment shall not affect any right of appeal under existing laws

Section 21 It shall be the duty of magistrates of the City of Philadelphia as and when their respective terms from time to time expire to deliver to their successors in office all dockets notes bonds and other papers connected with their offices and in case of the death of any magistrate all persons having possession of the books and papers aforesaid of such deceased magistrate shall under like penalties deliver such books and papers to his successor in office or if no successor has been appointed or elected to the magistrate whose court is located nearest to the office of the deceased magistrate In case of neglect or refusal of any magistrate whose term shall have expired to deliver such books and papers to his successor in office he shall be compelled so to do by decree and attachment against him which may be made and issued by any court of common pleas of the County of Philadelphia or by any judge thereof in vacation on application being made therefor by any person and such magistrate to whom such books and papers are delivered shall have power to issue process and proceed thereon with like effect as such magistrate might have done had he continued in office provided that in case the magistrate to whom such books and papers may be delivered shall be a party to or interested in any suit or judgment therein such suit or judgment shall be proceeded in by some other magistrate in such city to whom a transcript shall be furnished as well as the original docket if required on the trial

Section 22 Each magistrate shall select from the constables in commission in the City of Philadelphia such number not exceeding three as shall be necessary to the prompt service of process and the efficient performance of all other duties of constable They shall hold their office at the pleasure of the magistrate shall give bond in manner and form as now required by law and be subject to all liabilities and restrictions have all the powers and perform all the duties now by law attached to the office of constable in the City of Philadelphia

Section 23 Preliminary hearings in criminal cases shall be held in the central police court or central night court and in district station houses as herein provided and not elsewhere

Section 24 There shall be established a central police court in City Hall of the City of Philadelphia to which the Chief Magistrate shall assign in rotation in the manner prescribed by the Board of Magistrates one magistrate to be on duty from the hours of seven ante meridian to the hour of four post meridian Such Court shall be in continuous session provided however that the magistrate on duty may declare a recess of one hour at any time in his discretion and provided further that no more than three such recesses shall be declared in any such period from seven ante meridian to four post meridian

Section 25 There shall further be established a central night court in City Hall of the City of Philadelphia to be in continuous session from the hours of four post meridian to seven ante meridian and it shall be the duty of the Chief Magistrate to appoint in rotation in the manner prescribed by the Board of Magistrates two magistrates one to be in continuous session from the hours of four post meridian to the hour of eleven thirty post meridian and the other from the hour of eleven thirty post meridian to the hour of seven ante meridian respectively

Section 26 It shall be the duty of the Chief Magistrate to select not more than twenty district station houses for criminal hearing after consultation with the Superintendent of Police of the city of Philadelphia and it shall be his duty to appoint in rotation in the manner prescribed by the Board of Magistrates magistrates to serve as committing magistrates in such district station houses But no magistrate shall be assigned longer than one month to the same station house in any one year The

magistrates so assigned shall be the only ones in whom criminal jurisdiction shall be vested and only during those hours in which they are on duty It is the intention of this section that the Board of Magistrates shall provide a system of rotation whereby the same magistrate shall not be repeatedly assigned to the same police district station house Upon failure of the Board of Magistrates to so provide such system shall be established by the Board of Judges of the Common Pleas Courts of Philadelphia County Upon application by either the District Attorney Superintendent of Police or the Chief Magistrate the said board of judges may if they find that public convenience so requires increase the number of district station houses at which criminal hearings may be held Notice of such application to be given to the other two of the officials herein authorized to make such application

Section 27 Anything hereinbefore provided to the contrary notwithstanding it shall be the right of the magistrates to issue warrants said warrants however to designate as the hearing place the nearest of the twenty district police station houses selected for hearings of criminal cases as provided for in Section twenty-six No warrant shall issue designating any other place for a hearing

Section 28 Where a magistrate holding a preliminary hearing of a person arrested on a criminal charge shall refuse to fix the amount of bail to which such person shall be entitled or shall improperly fix the amount thereof such action on the part of such magistrate shall be reviewed only by habeas corpus proceedings as now provided by law

Section 29 No magistrate shall release on a copy of the charge any person arrested charged with any of the crimes specified in Sections thirty-one and thirty-two except operating an automobile while intoxicated without entry of bail as hereinafter provided

It shall be the duty of the police official in charge of any police district station house to which a prisoner is taken after arrest between the hours of four o'clock post meridian and seven o'clock ante meridian to immediately upon entry of the charge against said prisoner transmit a duplicate of the same by telephone or telegraph to the central police station and the police official in charge of the said central police station is hereby directed to issue an appropriate certificate of the charge to the counsel or a citizen making application therefor on behalf of the prisoner provided that the police official in charge of the police district in which the prisoner is confined shall also on similar request issue such certificate of the charge

Section 30 Further hearings before magistrates in criminal cases shall not be allowed except on statements under oath by the private prosecutor defendant police witnesses or persons in their behalf stating sufficient cause therefor

Section 31 In any hearing in any criminal case before a magistrate notice of the intended discharge of a prisoner for supposed lack or insufficiency of evidence shall be given to the District Attorney so that the latter may review the testimony and give his opinion thereon whether the prisoner should be discharged or held for action by the Grand Jury and this shall apply to the following felonies and misdemeanors abortion arson rape mayhem sodomy buggery robbery burglary murder voluntary and involuntary manslaughter kidnapping bribery forgery perjury extortion lottery gaming house carrying concealed deadly weapons and carrying certain firearms without a license in violation of the Act approved the eleventh day of June one thousand nine hundred thirty-one (Pamphlet Laws four hundred ninety-seven) receiving stolen goods and operating an automobile while intoxicated

Section 32 In cases where a person arrested on a criminal charge shall be entitled to release upon the posting of bail it shall be the duty of the magistrate holding the preliminary hearing of such person to promptly fix the amount only of such bail and no other magistrate shall receive or consider the sufficiency of such bail Provided nevertheless that this section shall not prevent the magistrate holding any hearing from authorizing bail to be entered without real estate security where in his opinion the evidence produced so warrants except when the person arrested is charged with any of the offenses listed in Section thirty-one or where the offense is any of the following aggravated assault and battery assault and battery with intent to kill blackmail compounding of crimes (under Section ten of the Act approved the thirty-first day of March one thousand eight hundred sixty Pamphlet Laws three hundred eighty-two) larceny of personal property of a value greater than one hundred dollars professional thieving pandering treason sedition sale use and possession of narcotics embezzlement and fraudulent conversion

Section 33 Upon fixing the amount of bail to be required of a person arrested on a criminal charge as hereinbefore provided the magistrate shall forthwith issue to such person a certificate over his hand and official seal stating the name and address of such person the charge upon which he stands accused and directing that he be released upon the posting of the amount of bail determined upon One copy of each such bail certificate issued by each magistrate shall be preserved as a part of his records and one delivered to the Bail Commissioner Any person held to bail shall be kept at the hearing place for a reasonable period of time not less than four hours to enable bail to be entered before being conveyed to the county jail in default thereof

Section 34 It shall be the duty of the Bail Commissioner upon presentation of a properly executed bail certificate as provided in Section thirty-three and upon presentation of sufficient bail in the amount specified in such certificate to receive such bail and to endorse on such certificate over his hand and official seal a statement that sufficient bail as therein required has been posted

Section 35 Such certificate executed by the magistrate holding the preliminary hearing of a person arrested on a criminal charge and endorsed by the Bail Commissioner as provided in Section thirty-four shall be sufficient warrant for the release of any such person arrested on a criminal charge and it shall be the duty of any person holding such person arrested in his custody upon presentation of the certificate so executed and endorsed to restore such person arrested to his liberty

Section 36 The Board of Magistrates shall designate in rotation one or more of their number to act as Bail Commissioners whose duties shall be as set forth in this act

Section 37 The Board of Magistrates also shall have power to appoint a suitable number of investigators clerks stenographers and such other assistants as may be necessary for the proper conduct of the work of the Bail Commissioner's office their number and respective compensations to be fixed by the said Board of Magistrates subject to approval by the Board of Judges of the Courts of Common Pleas of such county

Section 38 Whenever pursuant to law any person or persons charged with the commission of any criminal offense or offenses are admitted to bail by any magistrate for a further hearing or for the action of the Grand Jury and the amount of such bail has been lawfully fixed by such magistrate it shall be the duty of the magistrate acting as Bail Commissioner to make a thorough inquiry into the sufficiency of such bail and he shall make a due and thorough investigation under oath into the financial responsibility of the recognizor or surety and it shall be his duty to take of such recognizor or surety a written justification under oath setting forth (1) the name age and residence of the bondsman (2) a description of the property offered as surety with its exact location and street number in the City of Philadelphia (3) the present value assessed value the amount paid therefore and rent derived therefrom (4) all incumbrances whether mortgages judgment et cetera stating in detail character and amount and when and where recorded or entered and a statement that there are no other incumbrances except as noted (5) that the title to the property is in the bondsman himself and is not subject to any trusts (6) how the property was acquired whether by will or deed making an exact notation of the date and record of registry of the will or recording of the deed giving book and page

number (7) a list of all judgments against the bondsman (8) statement in what other cases or for what person or persons if any the bondsman is surety (9) statement as to whether or not the municipal school and other taxes have been paid up to and including the year in which the recognizance is given and (10) what amount is paid or to be paid to the recognizor of bail for giving said bail and what countersecurity is given if any Cash bail in lieu of real estate security may be accepted by the magistrate acting as Bail Commissioner and shall be delivered forthwith to the Clerk of Quarter Sessions and a receipt taken therefor

Section 39 No bail or recognizance aforesaid shall be taken without a justification aforesaid endorsed on the bond or recognizance duly signed and sworn to by such surety recognizor or recognizors in bail

Section 40 The office of the magistrate acting as Bail Commissioner shall be in the City Hall of the City of Philadelphia and shall be open at all hours and there shall be present and on duty at all times at least one magistrate acting as Bail Commissioner

Section 41 A duplicate of every bond justification or certificate shall be kept on file in the Bail Commissioner's office and shall be properly indexed and recorded so that a full and complete list of all sureties and recognizors and all premises offered as security for bail bonds from the date of the taking effect of this act shall be available for the inspection

Section 42 The Board of Magistrates subject to the approval of the Board of Judges of the Courts of Common Pleas of the County of Philadelphia shall fix a schedule of fees and costs to be charged for any service or services or act or acts performed pursuant to the provisions of this act and where necessary in order to provide for the cost of establishing and maintaining the records and indices of the Bail Commissioner's office the Board of Judges of such courts shall have the power of mandamus on the City Treasurer

Section 43 The board of magistrates heretofore established by section twenty-five of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue As soon as practicable after the approval of this act the Governor of this Commonwealth shall select from among the magistrates a chief city magistrate to act as such from the date of appointment for the remainder of the term for which he shall have been elected or appointed as a magistrate and before the expiration of such term the Governor shall select from among the magistrates a chief city magistrate to act as such in succession to him whose term as magistrate is about to expire and to hold office from and after the expiration of such term until his own term as magistrate shall expire and so on from time to time thereafter as the term of office of any magistrate who has been selected chief city magistrate shall be about to expire the Governor shall select from among the magistrates a chief city magistrate to serve until his own term as magistrate shall expire unless removed before such time by action of the Governor Provided however That any magistrate upon being re-elected to office as such magistrate shall continue eligible to re-appointment from time to time as chief magistrate The chief city magistrate in addition to the exercise of all the powers of a magistrate shall be the administrative head of and have general supervision of the business of all of the courts held by magistrates as provided by law and he shall preside and be entitled to vote at all meetings of the board of magistrates Subject to the provisions of this act he shall prescribe the hours for attendance of magistrates and of clerks and employes thereat He shall establish and supervise a system for keeping the records of the magistrates courts and shall have such other powers and duties as are provided in this act or as otherwise provided by law

Section 44 It shall be the duty of the board of magistrates to meet at least four times in each year at such hour and place as the board may determine and at such other times as it may be convened by the chief city magistrate for the consideration of matters concerning the administration of criminal justice in any of the magistrates courts At such meetings the board shall receive or cause to be investigated all complaints presented to it pertaining to such courts and shall take such steps as it may deem necessary or proper in respect thereof and the board shall have the power except as herein otherwise provided and it shall be its duty from time to time to make alter and amend rules regulating the practice and procedure which shall be uniform so far as practicable in all such magistrate courts and which shall not be inconsistent with this act or any other law All rules shall be printed within a reasonable time after their adoption Whenever requested by five or more magistrates the chief city magistrate shall call a special meeting of the board for the purposes set forth in such request

Section 45 There is hereby imposed upon the board of judges of the Common Pleas Courts of Philadelphia County the power and duty to generally supervise the magistrates of the City of Philadelphia and to see to it that they faithfully perform the duties required by this act To that end the said board of judges shall have the power to review the rules and regulations adopted by the board of magistrates and to alter abolish or amend such as are or may become susceptible to abuse and to prescribe such additional rules and regulations as may be found necessary and desirable to safeguard the public promote the convenience thereof and make for better dispatch of business and conduct of hearings The said board of judges shall act upon complaints filed or may act of their own motion and may investigate into the conduct of the magistrates as may be necessary or desirable The said board of judges may authorize one or more of the judges sitting in the quarter sessions court to call before such court any or all of the magistrates charged with or known to be violating the provisions of this act or the rules or regulations adopted thereunder and to give such instructions to correct such improper acts or direct such action to be taken to punish such violations as the circumstances may require The Court of Quarter Sessions of the County of Philadelphia shall have jurisdiction to examine correct and punish the contempts omissions and neglects corruptions and defaults of any or all of the magistrates holding office in such county and such court shall have power to compel production of any and all official records of such magistrates or magistrates for such purpose or purposes

Section 46 It shall be the duty of the City of Philadelphia to supply and pay for whatever may be necessary for the transaction of the business of said magistrates courts and to supply all proper court rooms and accommodations including waiting rooms withdrawing rooms dockets blank books legal blanks stationery furniture and equipment and such law books as may be certified by the chief city magistrate to be necessary for the use of the magistrates courts and to pay all salaries compensations expenses and disbursements that are herein or are otherwise authorized by law and it shall be the duty of the council of such city to appropriate annually a sum sufficient to pay such salaries compensations expenses and disbursements Such dockets blank books legal blanks and stationery shall be uniform in character The court rooms waiting rooms and withdrawing rooms accommodations furniture and equipment to be supplied shall be of such character and be kept in such condition of repair cleanliness and useful service at the expense of such city as the chief magistrate with the approval of the City Council shall determine to be necessary or desirable

Section 47 There shall be a clerk for each court held by a magistrate each magistrate being authorized to appoint a clerk to serve in his own court Appointments of clerk shall be during good behavior The duties of each clerk shall be such as shall from time to time be prescribed for him by the magistrate in whose court he is employed and as prescribed by administrative rule or rules to be established by the board of magistrates with the approval of the chief city magistrate

Section 48 The Board of Magistrates shall provide for the appointment of a sufficient number of stenographic clerks whose duty it shall be to take the testimony in all

criminal hearings in the places to which they may be assigned and to transcribe the notes thus taken within forty-eight hours if so requested by any person upon payment of the fees fixed for the same The Board of Magistrates by and with the approval of the Board of Judges of the Courts of Common Pleas shall fix the fees to be paid for the transcribing of such notes and such fees shall be paid to the City Treasurer

Section 49 The office of chief clerk and deputy stenographic clerk provided for in Section twenty-nine of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue and whenever a vacancy occurs the Board of Magistrates shall appoint a chief clerk and a deputy stenographic clerk who shall respectively perform such duties as may be required by them by this act and by the chief city magistrate and by rules adopted by the board of magistrates The chief clerk and deputy stenographic clerk shall be entitled to serve so long as they respectively behave themselves well Each clerk of a magistrate's court shall file with the chief clerk each month a report of the criminal business of such magistrate's court during the preceding month and such other reports from time to time as the chief city magistrate shall require The chief clerk shall cause suitable blanks to be prepared and furnished for such purpose

Section 50 On or before the twentieth day of January of each year the chief clerk shall prepare an annual report to the chief city magistrate of the business of all the magistrates' courts on the criminal side during the preceding calendar year and of the attendance and proceedings of the magistrates thereat in such form as the Board of Judges shall prescribe Upon the approval of such annual report by the chief city magistrate and the Board of Judges duly authenticated copies thereof shall be filed with the mayor and comptroller of the City of Philadelphia and the report or a synopsis thereof shall be printed promptly

Section 51 The chief clerk and each clerk of a magistrate's court respectively shall in addition to the duties in this act prescribed keep such records for the use of such chief city magistrate and the board of magistrates as he may be required or directed by the chief city magistrate and the Board of Judges to keep but it shall always be necessary to make a record of the name and address of any attorney appearing in respect of any charge or on any hearing

Section 52 The office or principal or central administrative office provided for by Section thirty-two of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue Through such office as the centre such contact with the several magistrates' courts shall be made and preserved as may be found necessary or desirable for the proper supervision by the chief city magistrate of the work of the magistrates' courts in criminal matters Such central administrative office shall be made available and be used as the office of the chief city magistrate for the performance of his duties as such At such office complaints touching the administration by any magistrate or magistrates of his or their court or courts may be presented or submitted by the public Such complaints shall be promptly filed by or under the direction of the chief clerk and be submitted to the chief city magistrate for his attention as administrative and supervising head of the business of the magistrates' courts and a copy of all such complaints shall be filed with the Board of Judges

Section 53 Each magistrate may remove the clerk employed in his own court and a majority of the board of magistrates may remove for cause the chief clerk deputy stenographic clerk and the stenographic clerk provided for in Section forty-eight of this act In every case of removal of the chief clerk or deputy stenographic clerk the true grounds thereof shall forthwith be entered upon the records of the board

Section 54 Each magistrate shall receive a salary for his services of five thousand dollars per annum The chief city magistrate shall receive in addition to his salary as magistrate a salary of one thousand dollars per annum Such salaries shall be paid by the city in monthly payments on the first Monday of each month

Section 55 Each clerk of a magistrate's court shall receive a salary of one thousand eight hundred dollars per annum the chief clerk a salary of two thousand five hundred dollars per annum and the deputy stenographic clerk a salary of one thousand eight hundred dollars per annum Such salaries shall be paid by the city in monthly payments on the first Monday of each month

Section 56 Each stenographic clerk as provided for in Section forty-seven of this act shall receive a salary for his or her services of one thousand two hundred dollars per annum such salary to be paid by the City of Philadelphia in semi-monthly payments

Section 57 It shall be unlawful for any magistrate to

(a) Remit a sentence of fine or imprisonment imposed in a summary proceeding

(b) Impose summary sentence upon testimony establishing a prima facie offense triable by indictment

(c) Hold persons to await the action of the Grand Jury and after the departure of the police witnesses or private prosecutor discharge the defendant or hold him to keep the peace

(d) Allow further hearings in cases after a prima facie case has been made out or where affidavit as provided in Section thirty is not made

(e) Impose or accept money for copy of charge entry of bail or other processes in addition to the amount prescribed by law

(f) Permit the improper use of the seal of office the coat of arms of the Commonwealth of Pennsylvania or any other official blanks or imitations thereof

(g) Change the charge from a grave crime to a crime of lesser degree where the testimony produced is prima facie evidence of the commission of a graver crime

(h) Corruptly and wilfully discharge a prisoner when the evidence produced is prima facie evidence of the commission of a crime

(i) Knowingly and wilfully violate any provision of this act in any manner or do any acts which shall be malfeasance or misfeasance in office

Any such violations shall be a misdemeanor punishable by forfeiture of office and the emoluments thereof and a fine not to exceed one thousand five hundred dollars ($1,500) or imprisonment not to exceed three years or both

The fifty-eighth section was read as follows:

Section 58 The following acts or parts of acts are hereby repealed as particularly set forth

Section one of the act approved the eighth day of May one thousand eight hundred fifty-four (Pamphlet Laws six hundred seventy-eight) entitled "An act relative to the duties of Aldermen and Justices of the Peace" absolutely

Section seven of the act approved the thirty-first day of March one thousand eight hundred sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" absolutely

Section two of the act approved the fifth day of April one thousand eight hundred sixty-two (Pamphlet Laws two hundred seventy-four) entitled "An act supplementary to an act to change the mode of Criminal Proceedings in Erie and Union Counties approved May first one thousand eight hundred and sixty-one" as far as it relates to recognizances

Sections one and two of the act approved the twentieth day of April one thousand eight hundred sixty-nine (Pamphlet Laws one thousand one hundred eighty-seven) (Number one thousand one hundred eighty) entitled "An act defining the duties of police officers in the city of Philadelphia" absolutely

The act approved the fifth day of February one thousand eight hundred seventy-five (Pamphlet Laws fifty-six) (Number sixty) entitled "An act relative to the

establishment and jurisdiction of magistrates' courts in the city of Philadelphia" absolutely

Section one of the act approved the twenty-third day of April one thousand nine hundred nine (Pamphlet Laws one hundred sixty) entitled "An act to regulate and establish the fees to be charged by justices of the peace aldermen and magistrates in this Commonwealth" so far as it relates to fees for bail fines and returns of magistrates

Section one of the act approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty-five) (Number seventy-one) entitled "An act relative to the powers of magistrates in cities of the first class" absolutely

The act approved the third day of May one thousand nine hundred fifteen) (Pamphlet Laws two hundred forty) (Number one hundred thirty-five) entitled "An act relative to the holding of magistrates' courts in Philadelphia" absolutely

Sections one and two of the act approved the seventh day of April one thousand nine hundred twenty-one (Pamphlet Laws one hundred eighteen) entitled "An act providing for the depositing of money with magistrates justices of the peace and aldermen in lieu of bail or recognizances with surety or sureties in criminal prosecutions desertion and nonsupport and surety of the peace" absolutely

The act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" absolutely

All other acts or parts of acts inconsistent herewith are hereby repealed

The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 58, page 30 by striking out lines 19 to 28 inclusive.

Amend section 58, page 31, line 7 by adding at the end of the line after the word "recognizances" the following: "so far as same may relate to magistrates"

Amend section 58, page 32, line 14 by striking out at the end of the line after the word "peace" the syllable: "[ab-]"

Amend section 58, page 32, by striking out line 15 and inserting in lieu thereof the following: "so far as it prescribes which magistrates may receive cash deposits in lieu of bail and recognizances with surety or sureties"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifty-ninth and sixtieth sections and the title were separately read and agreed to as follows:

Section 59 The repeal of any of the above-mentioned acts of Assembly shall not affect any civil cause or criminal prosecution or complaint pending at the date when this act goes into effect in any magistrate's court as then existing and constituted but all such pending civil causes or criminal prosecutions or complaints shall be proceeded with to the termination thereof respectively in the same manner and under the same authority and with like effect as prior to the passage of this act the full jurisdiction of the several magistrates' courts as existing and constituted prior to this act becoming effective being retained for all purpose in respect to pending proceedings therein anything herein contained to be contrary notwithstanding

Section 60 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of the same It is hereby declared as a legislative intent that this act would have been passed had such unconstitutional provision not been included therein

Section 61 Excepting as otherwise provided herein this act shall take effect on the fifteenth day of July one thousand nine hundred thirty-five

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and duties providing for supervisions of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office providing for penalties for violation of this Act and repealing certain prior Acts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. RUTH asked and obtained permission of the House for the Committee on Ways and Means to meet during the session of the House.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1861, entitled

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing

all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Section 1205 In school districts of the second third and fourth class all contracts with teachers shall be in writing in duplicate and shall be executed on behalf of the board of school directors by the president and secretary and signed by the teacher

After the thirtieth day of June one thousand nine hundred and twenty-nine each board of school directors or board of public education in school districts of the second third and fourth class in this Commonwealth shall enter into contract in writing with all teachers supervisors supervising principals and principals employed by them and said contract shall contain the following

"IT IS AGREED BY and between ..... Teacher and the Board of Directors of the school district of.....Pennsylvania that said teacher shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools teach in the said school district for a term.. .....months for an annual compensation of $.....payable monthly or semimonthly during the school term less the contribution required by law to be paid to the Teachers' Retirement Fund

This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto and to such regulations as the Board of School Directors of this district may impose consistent with the said act

AND IT IS FURTHER AGREED by the parties hereto that this contract shall continue in force year after year with the right of the Board of Education or the Board of School Directors to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district or to change said salary subject to the provisions of law without invalidating any other provision of this contract [unless terminated] any such increase or change of salary for each ensuing year shall be made at least sixty days before the end of the previous school term

A teacher's contract may only be terminated by the teacher at the close of the school term by written resignation presented sixty days before the close of said school term or by the Board of School Directors for reasons specified and in accordance with the procedure provided by this act by official written notice presented to the teacher sixy days before the close of the school term"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2514, entitled:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works to acquire hold and develop lands used or useful for or in connection with public buildings arsenals armories military reservations airports landng fields hospitals normal schools teachers' colleges and penal or other correctional institutions and other structures and facilities for public use or benefit authorizing said Authorty to construct buildings or improvements on such lands and to reconstruct improve alter extend and maintain and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealh shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Institutions Authority Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean the body politic and corporate created by this act

(b) The term "Department" shall mean the Department of Property and Supplies as the same exists under The Administrative Code of one thousand nine hundred and twenty-nine or as it may exist by amendment of said Code

(c) The term "project" shall mean any structure facility or undertaking which the Authority is authorized to construct improve maintain or operate under the provitions of this act

(d) The term "Board" shall mean the governing bodv of the Authority

(e) The term "person" shall mean and include natural persons firms associations corporations business trusts partnerships and public bodies

(f) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(g) The term "bonds" shall mean and include the notes bonds and other evidences of indebtedness or obligations which the Authority is authorized to issue pursuant to Section 4 (i) of this Act

(h) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(i) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

Section 3 General State Authority The Governor of the State the Secretary of Revenue the Secretary of Welfare the Secretary of Property and Supplies the Superintendent of Public Instruction and the Chairman of the Finance Committees of the Senate and House and their respective successors in office are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating public buildings arsenals armories military reserves airports landing fields hospitals normal schools teachers' colleges and penal or correctional institutions bridges tunnels streets highways traffic circles hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works and other structures or facilities for public use or benefit other than housing and water gas and electric supply projects (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a To have perpetual succession as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the Department any property real or personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth any project at any time constructed by the Authority and any property real personal or mixed tangible or untangible or any interest therein at any time acquired by the authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted it by this act or any other acts

Provided however That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 5 Purposes and Powers Bonds The bonds of the Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the Board and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-anually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five per centum of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered nothwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupons or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth or any county or other political subdivision thereof) for the revenues rentals or receipts of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of any project or projects and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the Authority including limitations upon the power of the Authority to modify any leases or other agreements pursuant to which any tolls rentals or other charges are payable (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisons of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

The Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States

having power to enter into the same including any federal agency as security for such bonds and may assign and pledge all or any of the revenues rentals or receipts of the Authority thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (i) the construction improvement operation maintenance and repair of any project or projects and the duties of the Authority with reference thereto (ii) the application of funds and the safeguarding of funds on hand or on deposit (iii) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (iv) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their dutties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the reciver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The Board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it and may be exercised and embodied The Board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the county having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Grant of Lands by Department to Authority The Department shall have power and authority with the approval of the Governor to grant assign convey to the Authority with or without consideration any lands ease-

ments or rights in lands now owned by the Commonwealth of Pennsylvania or hereafter acquired by it needed or convenient for the corporate purposes of the Authority or to lease to the Authority for a term not exceeding ninety-nine years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands

Section 10 Acquisition of Lands The Department shall have power and authority with the approval of the Governor to acquire title in the name of the Commonwealth of Pennsylvania to any additional lands or interest in lands which may be required for the corporate purposes of the Authority and payment therefor shall be made by the Department The power hereby conferred upon the Department shall not limit or restrict the power of the Authority itself to acquire lands or interests in lands in the name of the Authority

Section 11 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The Authority may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any additional betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid the Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any federal agency that may assist in the financing of such project or any part thereof

Section 12 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act and such lands or interest in such lands may be so acquired whether or not the same are owned or held for public use by corporations associations or persons having the power of eminent domain or otherwise held or used for public purposes including land held for cemetery purposes The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by the Commonwealth

Section 13 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority provided however that the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit

Section 14 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth does further pledge to and agree with the United States and any other federal agency that in the event that any federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any such federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desireable for the carying out of the purposes of this act and for the purposes of the United States in the construction or improvement or enlargement of any project or such portion thereof

Section 15 Exemption from Taxation The effectuation of the authorized purposes of the Authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the Authority will be performing essential govermental functions in effectuating such purposes the bonds issued by the authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsions of this act shall be severable and if any of the prosylvania

Section 16 Constitutional Construction The provisions thereof shall be held unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 17 Effective Date of Act This act shall take effect immediately

The title was read as follows:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works to acquire hold and develop lands used or useful for or in connection with public buildings arsenals armories military reservations airports landing fields hospitals normal schools teachers' colleges and penal or other correctional institutions and other structures and facilities for public use or benefit authorizing said Authority to construct buildings or improvements on such lands and to reconstruct improve alter extend and maintain and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

On the question,

Will the House agree to the title?

Mr. BRADLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title Last two lines, by striking out the words "and making an appropriation"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2628, as follows:

An Act providing that in cities of the first class all pension funds of the police shall be administered by a board composed of nine members and providing a referendum to ascertain the will of the electors with respect to authorizing said cities to defray the entire expense of operating the existing police pension system

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class all pension funds of the police shall be administered by a board composed of nine members namely the city controller two members of city council as elected by that body three police officers and three private citizens appointed by the mayor of such cities

Section 2 At the municipal election in the year one thousand nine hundred and thirty-five there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors with respect to authorizing said cities to defray the entire expense of operating the existing police pension system Such question shall be in the following form

Do you favor authorizing cities of the first class to defray the entire expense of operating the existing police pension system?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of the county and sufficient number of ballots shall be furnished to the election officers in each election district of the county affected so that one ballot may be supplied to each voter at such election

Section 3 The votes cast on such question shall be counted by the election officers and returns thereof made by them to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns and certify the results of the vote cast on the question to the legislative body of the municipality within the county Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 4 It is the intent of this act to provide a method whereby the will of the electors with respect to authorizing cities of the first class to defray the entire expense of operating the existing police pension system may be ascertained

Section 5 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional except those sections relating to a referendum such decision shall not affect the validity of any of the remaining provisions of this act

Section 6 This act repeals all acts and parts of acts general local or special or inconsistent herewith

Section 7 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2077 (Senate Bill No. 222), as follows:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class there is hereby created a board to be designated as the board for the assessment and revision of taxes composed of seven persons citizens of the county The members of such board shall be appointed by the county commissioners of such county who shall designate one of such members as chairman All the members shall hold their office for the term of four years from the first Monday of January one thousand nine hundred and thirty-six and the county commissioners shall fill all vacancies in the board for the unexpired term thereof The chairman of the board shall receive a salary of six thousand dollars per annum Each member of such board other than the chairman shall receive a salary of five thousand dollars per annum All such salaries shall be payable monthly out of the treasury of the county

Section 2 It shall be the duty of the board for the assessment and revision of taxes in each county of the second class to make and to have supervision of the making of all assessments and valuations of property whether real or personal taxable under any general special or local law for county or city purposes and of all lists of residents and inhabitants as required by existing law.

Section 3 The said board shall divide the county into convenient districts and shall appoint one subordinate assessor for each of said districts The subordinate assessors shall receive such compensation as the salary board shall fix The board shall have the right to appoint such clerk as the salary board of the county may allow for the proper discharge of the duties of said board All salaries herein provided for shall be fixed by the salary board and all such salaries and all other expenses in connection with the making of assessments under the provisions of this act shall be paid out of the county treasury

Section 4 The subordinate assessors shall make the assessment and valuations of all property taxable for county and city purposes together with a list of all persons within their respective districts as provided by existing law and in so doing shall view all property in their district taxable for such purposes and in cities of the second class shall classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings The subordinate assessors shall make a personal house-to-house canvass of their district in order that such lists of persons may be accurate and correct in so far as it is possible to so make them All such assessors who shall fail to make such assessments and lists in the manner as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of

the payment of such fine and costs to undergo an imprisonment not exceeding ninety days

Section 5 The subordinate assessors shall make such assessments of property and occupations each year preceding the triennial assessment in such counties and shall file the same with the board for the assessment and revision of taxes on or before the first Monday of November of such year

Section 6 The board shall as provided by this act and by the provisions of existing law examine and revise the said assessments and valuations increasing or decreasing the same as in their judgment may seem proper and shall add thereto such property or subjects of taxation as may have been omitted After such revision the board shall by rule fix convenient times for the hearing of appeals from said assessments and valuations and after the hearing of said appeals and the making of whatever changes may be considered proper the valuations as so ascertained and revised unless changed in the manner hereinafter provided or as provided by existing law shall stand as the valuations for the assessments of all county city borough township school and poor taxes until the next triennial assessment

Section 7 When the triennial assessments shall be fixed either for the whole county or in districts thereof notice of that fact shall be given by publication in at least two newspapers of the county of the time when appeals will be heard and a copy of the assessments made in boroughs and townships shall be placed in some public place in each such borough or township by the assessor After the hearing of appeals the board shall take such action in regard thereto as may be right and proper

Section 8 After action on such assessments by the board for the assessment and revision of taxes any taxpayer dissatisfied with the assessment of his property may appeal therefrom to the court of common pleas of the said county as provided by existing law and it shall be the duty of the court at once to hear and determine said appeal and if necessary to make such changes therein as may be right and proper Only one such appeal may be taken during the period of any triennial assessment unless the assessed valuation of the property has been changed during such period No such appeal shall affect the amount of any tax which has been paid before such appeal was taken

Section 9 The subordinate assessors shall between the triennial assessments revise any assessment or valuation according to right and equity by correcting errors and by adding thereto any property or subjects of taxation which may have been omitted or any new property or subjects of taxation which may have come into being since the last triennial assessment In each such case the subordinate assessors shall in cities of the second class classify all real estate in such cities in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings

They shall also add thereto the names of any persons who may have moved into such district and strike therefrom the names of any persons who have removed from such districts since the last triennial assessment

The assessors shall also revise assessments and valuations between the triennial assessments by increasing or decreasing the same where the value of the property or subjects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots or other subdivisions or for the reason that improvements have been placed thereon or added thereto or for the reason that any public or other improvement has been adjacent thereto or in the vicinity thereof or where for any other reason whatsoever the value of the property has changed and it seems to the board necessary and equitable to make a change in the valuation thereof The assessors shall also between the triennial assessments in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments revise and correct the same by increasing or decreasing the same where the value of the property or subjects of taxation assessed do not conform to the generality or uniform standard of assessments Provided however That if such revision or correction of such assessment shall increase the amount thereof the owner of such subjects of taxation whose assessment has been so increased between the triennial assessments shall be given at least ten days written notice of such revision or correction and have the right of appeal to the court of common pleas in the same manner as provided in section ten of this act

All assessments required to be made by the subordinate assessors in the years between the triennial assessment shall be returned to the board for the assessment and revision of taxes not later than the first Monday of November of the year preceding the one for which it is made

Section 10 At least ten days written notice shall be given to any taxable person whose assessment shall be changed between triennial assessments setting forth any change which has been made and the time and place set for hearing objections thereto

Such notice shall be served by the board or any member thereof or by any subordinate assessor or by any other person authorized so to do by the board upon said taxable person if he or she can be found in the county or upon an adult person residing upon the property in question in case the taxable person cannot be found in the county

When no service is made upon the taxable person or upon an adult person residing upon the property assessed said notice shall be deemed to have been properly served if tacked or conspicuously posted upon the property assessed

No defect in service of any such notice shall be sufficient ground for setting aside any assessment so made but upon proof thereof being made the taxable person shall have the right to a rehearing before said board relative to said assessment and to appeal therefrom to the court of common pleas as hereinafter provided

Section 11 After the hearing of any objections thereto and the making of any changes that may be deemed proper the valuation as so ascertained shall unless changed in the manner herein provided or as provided by existing law stand as the valuations for the assessments for county city borough township school and poor taxes in such county until the next triennial assessment

Section 12 Any taxable person dissatisfied with changes made in any assessment in the years between the triennial may within thirty days after the final fixing of the same appeal to the court of common pleas of said county and it shall be the duty of the court at once to hear and determine said appeal and if necessary make such changes therein as may be right and proper

Section 13 No appeal taken from any such assessments shall affect the validity of any taxes assessed but if such assessment shall thereafter be reduced an exoneration shall be granted or restitution ordered for the excess of taxes paid by reason of any improper increase in the assessment

Section 14 Upon request by any taxpayer he shall at any time receive from the board a statement of his taxable property and its valuation

Section 15 When the said valuations and assessments have been made all taxation for county city borough township school and poor purposes within the limits of such county shall be based upon such valuations and the board for the assessment and revision of taxes shall certify to the councils of all cities in the county the aggregate valuation of city property in each of such cities subject to taxation for city purposes

The council of any city may in order to preserve the basis of valuation upon which taxes in such city have heretofore been levied and upon which the indebtedness of such city has been incurred or increased uniformly increase the valuations of all property in such city as certified to it by the board for the assessment and revision of taxes by a fraction of such valuation to be determined by such council Provided That such council shall in no case increase any such valuations to an amount in excess of the actual fair value of the property in such city

Section 16 On the first Monday of January one thousand nine hundred and thirty-six the terms of all members of the board for the assessment and revision of taxes and of all subordinate assessors and clerks employed by the board in counties of the second class and of all members and employes of the department of assessors

in cities of the second class and the city assessor in cities of the third class in such counties shall cease and terminate and the board for the assessment and revision of taxes as now constituted in counties of the second class and the department of assessors in cities of the second class and the office of city assessor in cites of the third class in such counties are hereby abolished

It is the intent and meaning of this act that in counties of the second class there shall be but one assessment made for taxation purposes and that all county city borough township school and poor taxes shall be levied on the basis of such assessment subject to the right of cities to increase valuations as hereinbefore provided

Section 17 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstituional provision not been included therein

Section 18 Except where inconsistent therewith this act does not repeal any or the provisions of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws"

Section 19 The act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" and its amendments are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 20 Except as to the appointment of the members of the board for the assessment and revision of taxes which may be done at any time after the final enactment of this act the provisions thereof shall become effective on the first Monday of January one thousand nine hundred and thirty-six Provided That this act shall not affect assessments made under existing laws as the basis of city taxes for the year one thousand nine hundred and thirty-six and such laws shall remain in force as long as may be necessary for such purposes

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1767, entitled:

An Act to amend sections one two three and five of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four) entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred eight) entitled "An act to amend section two of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four) entitled 'An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole' by authorizing field parole agents to arrest parole violators" by conferring and imposing certain powers and duties thereby conferred upon and imposed upon the State Board of Pardons and the Department of Justice upon the Department of Corrections and its field parole agents and repealing section four of said act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two three and five of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four) entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred eight) entitled "An act to amend section two of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four) entitled 'An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole' by authorizing field parole agents to arrest parole violators" be and the same are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the [Board of Pardons] Department of Corrections of this Commonwealth shall have jurisdiction to supervise the conduct during the period of parole of all prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial [Reformatory] School For the purpose of carrying out the provisions of this act the [Attorney General] Secretary of Corrections may appoint [for the work of the board hereunder a Supervisor of Paroles and] such field agents and other employes as may be necessary whose compensation shall be fixed as provided by law in the case of other employes of the Department of [Justice] Corrections .

On the question,

Will the House agree to the section?

BILLS RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1768, as follows:

An Act to amend an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws eleven hundred eighty-three) entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of paroles and the effect of such violations" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred nine) entitled "An act to amend an act approved the first day of May one thousand nine hundred and twenty-nine Pamphlet Laws one thousand one hundred eighty-three entitled 'An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of paroles and the effect of such violations' by authorizing field parole agents to arrest parole violators" by conferring certain of the powers and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents and by further defining the effect of such violations

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1183 entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of paroles and the effect of such violations" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (P. L. 109) entitled "An act to amend an act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1183) entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon and regulating the procedure when such persons violate the terms of parole and the effect of such violations' by authorizing field parole agents to arrest parole violators" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever an inmate of the Pennsylvania Industrial [Reformatory] School at Huntingdon is paroled and thereafter when on parole shall in any maner violate the same the [State Board of Pardons] Department of Corrections or the board of trustees of the said Pennsylvania Industrial [Reformatory] School shall cause a warrant to be issued for the arrest of said person which warrant shall give all field parole agents of the Department of [Justice] Corrections and officers authorized by law to make arrests full authority to apprehend and detain said inmate and such officer upon the arrest of said inmate shall notify the [Board of Pardons] Department of Corrections who shall notify the Superintendent of the Pennsylvania Industrial [Reformatory] School from which said prisoner was released on parole to send an officer to return him to said [reformatory] School The [Board of Pardons or its duly authorized representative] Department of Corrections shall forthwith submit to the trustees of said [reformatory] school a report of violation of parole of said inmate Upon his return he shall be given a hearing by the board of trustees and if said board shall find said parole has not been broken it shall notify [Board of Pardons] the Department of Corrections whereupon the prisoner shall be released and continue subject to the terms of said parole But if it be found that said parole has been broken said prisoner may be required to serve such portion of his possible maximum sentence as would have remained to be served had such prisoner remained in the school until the date on which the breach of parole occurred [the unexpired term of his possible maximum sentence at the discretion of the board of trustees and the time from the date of his declared delinquency to the date of his return to the reformatory shall not be counted as any part or portion of such sentence]

The cost of executing such warrant shall be paid by the board of trustees

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1769, entitled:

An Act to amend an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-two) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustee of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violations" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred eleven) entitled "An act to amend section one of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-two) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violation" by authorizing field parole agents to arrest parole violators" by conferring certain of the powers and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents and by further defining the effect of such violations

The first section was read as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-two) entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violations" as amended by the act approved the eleventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred eleven) entitled "An act to amend section one of an act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-two) entitled 'An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole and fixing the penalty for such violations' by authorizing field parole agents to arrest parole violators" be and the same are hereby amended to read as follows

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever it shall appear to the [State Board of Pardons] Department of Corrections that a person who has been sentenced under the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act Authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime

during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and its amendments and released on parole by commutation containing a condition that the convict shall be subject to the terms of the said act has violated the terms of his or her parole it shall cause a warrant to be issued for the arrest of said person which warrant shall give all field parole agents of the Department [Justice] Corrections and officers authorized by law to make arrest full authority to apprehend and detain said convict And such officer upon the arrest of said convict shall notify the [Board of Pardons] Department of Corrections [who] which said convict was released on parole to send an which shall notify the warden of the penitentiary from officer to return him to said penitentiary The [Board of Pardons or its duly authorized representative] Department of Corrections shall forthwith submit to the trustees of said penitentiary a report of violations of parole of said convict

On the question,

Will the House agree to the section?

BILLS RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1770, entitled:

An Act providing for the recommitment of parolees who are convicted of crimes punishable by imprisonment during the period of such parole providing for the reparole of convicts so recommitted as well as convicts recommitted under section ten of the act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" and its amendments providing for the release from the service of such period of recommitment of certain classes of convicts at the discretion of the authority which originally placed such convicts on parole and repealing section ten of the said act approved the nineteenth day of June one thousand nine hundred and eleven as amended in so far as it relates to those at present or hereafter released on parole

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if any convict who has been or hereafter may be released on parole from any penitentiary of this Commonwealth or from the Pennsylvania Industrial School commits a crime punishable by imprisonment for which such convict is at any time thereafter convicted in any court of record of this Commonwealth such convict shall after the expiration of the term of imprisonment imposed therefor or immediately if no such sentence be imposed be compelled by detainer and remand as for an escape to serve in the institution from which such convict was released on parole or to which such convict shall be legally transferred such portion of the maximum sentence for the crime as to which such convict had been placed on parole as would have remained to be served had such convict remained in the institution until the date of the chime committed during the period of parole unless sooner released on parole or pardoned

On the question,

Will the House agree to the section?

BILLS RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1771, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 350) entitled "An act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' repealing certain sections adding certain new sections creating new administrative agencies modifying the provisions regulating contracts for public work and purchases and generally further reorganizing the conduct of the administrative work of the Commonwealth" repealing certain sections amending certain sections adding certain new sections creating a new administrative department to be known as the Department of Corrections providing the powers and duties thereof including the power to transfer inmates between State

institutions of the Department providing for the appointment of and fixing the compensation of or prescribing the manner in which compensation shall be fixed for certain administrative officers and of and for the deputies and other assistants and employes in the Department of Corrections repealing certain acts and generally further reorganizing the conduct of the administrative work of the Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections two hundred one two hundred two two hundred three two hundred six two hundred seven two hundred nine four hundred forty-eight two thousand three hundred one two thousand three hundred two two thousand three hundred three two thousand three hundred four two thousand three hundred eight two thousand three hundred nine two thousand three hundred eleven two thousand three hundred thirteen and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools of Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments board and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 350) entitled "An act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Departments thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' repealing certain sections adding certain new sections creating new administrative agencies modifying the provisions regulating contracts for public work and purchases and generally further reorganizing the conduct of the administrative work of the Commonwealth" be and the same are amended to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secretary of Internal Affairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania State Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affairs Department of Public Instruction Department of Military Affairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Corrections Department of Property and Supplies and Department of Revenue and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and The Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania State Police

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State
State Employes' Retirement Board

In the Department of Justice
[Board of Pardons]
Board of Commissioners on Uniform State Laws

In the Treasury Department
Board of Finance and Revenue

In the Department of Internal Affairs
Board of Property
State Aeronautics Commission

In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Home for Training in Speech of Deaf Children Before the Are of School Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children
Board of Trustees of Pennsylvania Soldier's Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Undertakers

State Board of Veterinary Medical Examiners
State Board for the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

In the Department of Military Affairs
Armory board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
State Athletic Commission

In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission

In the Department of Agriculture
State Farm Products Show Commission

In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission

In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors

In the Department of Highways
State Bridge Commission

In the Department of Health
Sanitary Water Board
Anatomical Board

In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workman's Insurance Board

In the Department of Welfare
State Council for the Blind
Pennsylvania Alcohol Permit Board
[Board of Trustees of Eastern State Penitentiary]
[Board of Trustees of Western State Penitentiary]
[Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School]
[Board of Trustees of State Industrial Home for Women]
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
[Board of Trustees of Farview State Hospital]
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Phillipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
[Board of Trustees of Cumberland Valley State Institution for Mental Defectives]
Board of Trustees of Selinsgrove State Colony for Epileptics

In the Department of Corrections
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Farview State Hospital
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Pardons

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 203 Advisory Boards and Commissions The following advisory boards and commissions are placed in and made parts of the respective administrative departments as follows

In the Department of Military Affairs
State Military Reservation Commission
State Veterans Commission

In the Department of Forests and Waters
State Forest Commission
State Parks Commission
Bushy Run Battlefield Commission

In the Department of Health
Advisory Health Board

In the Department of Labor and Industry
Industrial Board

In the Department of Welfare
State Welfare Commission

In the Department of Corrections
Board of Corrections

In the Department of Property and Supplies
General Galusha Pennypacker Monument Commission

Section 206 Department Heads Each administrative department shall have as its head an officer who shall either personally by deputy or by the duly authorized agent or employe of the department and subject at all times to the provisions of this act exercise the powers and perform the duties by law vested in and imposed upon the department

(a) The following officers shall be the heads of the administrative departments following their respective titles

Secretary of the Commonwealth of the Department of State
Attorney General of the Department of Justice
Auditor General of the Department of the Auditor General
State Treasurer of the Treasury Department
Secretary of Internal Affairs of the Department of Internal Affairs
Superintendent of Public Instruction of the Department of Public Instruction
Adjutant General of the Department of Military Affairs
Insurance Commissioner of the Insurance Department
Secretary of Banking of the Department of Banking
Secretary of Agriculture of the Department of Agriculture
Secretary of Forests and Waters of the Department of Forests and Waters
Secretary of Mines of the Department of Mines
Secretary of Highways of the Department of Highways
Secretary of Health of the Department of Health
Secretary of Labor and Industry of the Department of Labor and Industry
Secretary of Welfare of the Department of Welfare
Secretary of Corrections of the Department of Corrections
Secretary of Property and Supplies of the Department of Property and Supplies
Secretary of Revenue of the Department of Revenue

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of

Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 209 Compensation of the Governor Lieutenant Governor and Heads of Departments Annual salaries shall be payable in equal semi-monthly installments as follows

To the Governor eighteen thousand dollars
To the Lieutenant Governor eight thousand dollars
To the Secretary of the Commonwealth ten thousand dollars
To the Attorney General twelve thousand dollars
To the Auditor General twelve thousand dollars
To the State Treasurer twelve thousand dollars
To the Secretary of Internal Affairs ten thousand dollars
To the Superintendent of Public Instruction twelve thousand dollars
To the Adjutant General ten thousand dollars
To the Insurance Commissioner ten thousand dollars
To the Secretary of Banking ten thousand dollars
To the Secretary of Agriculture ten thousand dollars
To the Secretary of Forests and Waters ten thousand dollars
To the Secretary of Mines ten thousand dollars
To the Secretary of Highways twelve thousand dollars
To the Secretary of Health ten thousand dollars
To the Secretary of Labor and Industry ten thousand dollars
To the Secretary of Welfare ten thousand dollars
To the Secretary of Corrections ten thousand dollars
To the Secretary of Property and Supplies ten thousand dollars
To the Secretary of Revenue twelve thousand dollars

Neither the Governor Lieutenant Governor nor the head of any administrative department shall receive any additional compensation for any services rendered to the Commonwealth in any capacity

Section 448 Advisory Boards and Commissions The advisory boards and commissions within the several administrative departments shall be constituted as follows

(a) The State Military Reservation Commission shall consist of the Governor the Major General commanding the National Guard of Pennsylvania the Adjutant General the Brigadier Generals commanding brigades the Chief of Staff of the Twenty-eighth Division and two other members to be appointed by the Governor

The commission shall elect from among its members a chairman and a secretary

(b) The State Veterans Commission shall consist of the Adjutant General ex officio and five members all of whom shall have served in the armed forces of the United States while a state of war existed between the United States of America and another sovereign power and shall be members in good and regular standing of a Pennsylvania branch post lodge or club of a recognized national veterans organization active in this Commonwealth

Three members of the commission shall constitute a quorum

The commission shall select from its number a chairman and a secretary

(c) The State Forest Commission shall consist of four persons and the Secretary of Forests and Waters ex officio who shall be chairman thereof

(d) The State Parks Commission shall consist of the Secretary of Forests and Waters the chairman of the Pennsylvania Historical Commission and four other citizens

Four members of the commission shall constitute a quorum

The State Parks Commission shall annually elect from among its members a chairman and vice-chairman

(e) Bushy Run Battlefield Commission The Bushy Run Battlefield Commission shall consist of the Secretary of Forests and Waters and the chairman and secretary of the Pennsylvania Historical Commission ex officio and six other members residing in the vicinity of the Bushy Run Battle State Park and having a knowledge of and interest in the history of the locality wherein said park is situated

The members of the commission shall annually elect a chairman and a secretary

Five members of the commission shall constitute a quorum

(f) The Advisory Health Board shall consist of the Secretary of Health and six members a majority of whom shall be physicians graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession and one of whom shall be a civil engineer The Secretary of Health shall be chairman of the board

Three members of the board together with the Secretary of Health shall constitute a quorum

(g) The Industrial Board shall consist of the Secretary of Labor and Industry and four additional members one of whom shall be an employer of labor one a wage earner and one a woman The Secretary of Labor and Industry shall be the chairman of the board

Three members of the board shall be a quorum

The members of the Industrial Board other than the chairman shall receive fifteen dollars per day while in the performance of their official duties

(h) The State Welfare Commission shall consist of the Secretary of Welfare ex officio and eight other members The Secretary of Welfare shall be chairman of the board The Secretary of Welfare and four other members of the board shall constitute a quorum

(i) The Board of Corrections shall consist of the Secretary of Corrections ex officio and eight other members The Secretary of Corrections shall be chairman of the board The Secretary of Corrections and four other members of the board shall constitute a quorum

[(i)] (j) The General Galusha Pennypacker Monument Commission shall consist of the Secretary of Property and Supplies the president of the Pennsylvania Academy of Fine Arts of Philadelphia and three other persons The commission shall annually elect a president and secretary

Three members of the commission shall constitute a quorum

Section 2301 Powers and Duties in General The Department of Welfare shall subject to any inconsistent provisions in this act contained continue to exercise the powers and perform the duties by law vested in and imposed upon the said department the Secretary of Welfare and the former Department of Public Welfare and Commissioner of Public Welfare except as such powers and duties are by this act vested in and imposed upon the Department of Correction

Section 2302 Definitions As used in this article

(a) "State Institutions" shall mean and include all [penal reformatory or correctional institutions] hospitals for the insane or any other institutions for feebleminded or epileptic persons or for juvenile delinquents and dependents and charitable institutions except hospitals for the criminal insane and institutions for mentally defective delinquents within this Commonwealth maintained in whole by the Commonwealth and whose boards of trustees are departmental administrative boards within the Department of Welfare

(b) "Children's Institutions" shall mean any incorporated or unincorporated organization society corporation or agency public or private which may receive or care for children or place them in foster family homes either at board wages or free or any individual who for hire gain or reward receives for care a child unless he is related to such child by blood or marriage within the second degree or any individual not in the regular employ of the court or of an organization society association or agency duly certified by the department who in any manner becomes a party to the placing of children in foster homes unless he is related to such children by blood or marriage with-

in the second degree or is the duly appointed guardian thereof

(c) "Maternity Home and Hospital" shall mean any house home or place in which within a period of six months any person receives for care or treatment during pregnancy or during or immediately after parturition more than one woman except women related to such person by blood or marriage within the second degree

(d) "Supervised Institution" shall mean any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth either directly or indirectly and to which the Governor does not appoint any member of the board of inspectors managers trustees or directors all houses or places within the Commonwealth in which any person of unsound mind is detained whenever the occupant or owner of the house or person having charge of such person of unsound mind receives any compensation for custody control or attendance other than as an attendant or nurse and also all institutions houses or places in which more than one such person is detained with or without compensation paid for custody or attendance all children's institutions and maternity homes and hospitals within the Commonwealth all homes or hospitals for crippled children within the Commonwealth except the State Hospital for Crippled Children all [prisons jails] hospitals almshouses or poorhouses maintained by any county city borough township or poor district of this Commonwealth and all institutins associations and societies within this Commonwealth into whose care the custody of delinquent dependent or neglected children may be committed and all houses and places maintained by such institutions associations or societies in which such children may be kept or detained

Section 2303 Supervisory Powers The Department of Welfare shall have supervision over

(a) All State institutions

(b) All supervised institutions as defined in this article

(c) All children's institutions within this Commonwealth

(d) All maternity homes and hospitals within this Commonwealth

(e) The administration of any system provided by the Commonwealth for assistance to mothers

[(f) Any labor or system of labor carried on in the penal correctional or reformatory institutions of the State]

[(g)] (f) Any system of reparation provided by the Commonwealth for relief from conditions caused by minecaves fire bood or other casualty and constituting a menace to public safety and welfare

[(h)] (g) All boarding homes for children which have been licensed by the State

Section 2304 Visitations and Inspections The Department of Welfare shall have the power and its duty shall be

(a) To make and enforce rules and regulations for the visitation examination and inspection of all supervised institutions

(b) To visit and inspect at least once in each year all State and supervised institutions to inquire and examine into their methods of instruction discipline detention [imprisonment] care or treatment the care treatment government or management of their inmates or those committed thereto or being [imprisoned] detained treated or residing herein the official conduct of their inspectors trustees managers directors or other officer or officers charged with their management by law or otherwise or having the management care custody or control thereof the buildings grounds premises and equipment thereof or connected therewith and all and every matter and thing relating to their usefulness administration and management and to the welfare of the inmates thereof or those committed thereto or being [imprisoned] detained treated or residing therein

For these purposes the Secretary of Welfare or other officer inspector or agent of the department shall have free and full access to the grounds premises and buildings of and to all the records books or papers of or relating to any such State or supervised institution and full opportunity to interrogate or interview any inmate thereof or any person or persons committed to or being [imprisoned] detained treated or residing therein and all persons connected with any such State or supervised institution as officers or charged with the management thereof by law or otherwise or in any way having the care custody control or management thereof or connected therewith as employes are hereby directed and required to give to the Secretary of Welfare or to such officer inspector or agent of the department such means facilities and opportunity for such visitation examination inquiry and interrogation as is hereby provided and required or as the department by its duly ordained rules or regulations may require

(c) Whenever upon the visitation examination and inspection of any State or supervised institution any condition is found to exist therein which in the opinion of the department is unlawful unhygienic or detrimental to the proper maintenance and discipline of such State or supervised institution or to the proper maintenance custody and welfare of the inmates thereof or of the persons committed thereto or being treated detained or residing therein to direct the officer or officers charged by law with or in any way having or exercising the control government or management of such State or supervised institution to correct the said objectionable condition in the manner and within the time specified by the department

(d) To cause to be visited and examined any person found by an inquisition to be insane and to authorize such visiting and examining by an officer or agent of the department or any board of visitors or by a physician and to apply to the court having jurisdiction over the committee or guardian of such insane person or to a judge of a court of common pleas of the county in which the insane person is a resident or detained to make such orders for the maintenance custody or care of the insane person and for the care and disposition of the property of the insane person as the case may require

Section 2308 Rules and Regulations The Department of Welfare shall have the power to make and enforce rules and regulations as follows

(a) Providing for the licensing of all houses or places in which any person can be lawfully detained as an insane person or a person of unsound mind upon compensation paid to or received by the owner or occupant of such house or place directly or indirectly for the care of such insane person or person of unsound mind and also of all houses places or institutions in which more than one insane person or person of unsound mind is detained or resides other than a jail or prison with the right to exempt any State institution institution under municipal authority or any other institution

(b) To insure the proper care and treatment of persons of unsound mind detained in any house place or institution whether licensed or not to guard against the improper or unnecessary detention of such persons to regulate the manner of their detention and the restraints imposed and all matters relative to their welfare to regulate their means of communication with relatives friends and other persons outside the house place or institution of detention and to insure to them the admission of all proper visitors being members of their families or personal agents or attorneys

(c) Regulating the forms to be observed warranting the commitment transfer of custody and discharge of all insane persons other than those committed by order of a court of record and as to these with the consent of the presiding judge of the court under whose order the person is detained

(d) For the approval of psychopathic wards maintained by hospitals for the reception and care of persons suffering with mental disorders except that the provisions of this section shall not apply to hospitals for the criminal insane and institutions for mentally defective delinquents under the Department of Corrections

Section 2309 Transfer Parole or Discharge of Patients The Department of Welfare shall have the power

(a) To apply to the proper court for the transfer or removal of insane persons from county or district poorhouses almshouses hospitals or in the custody of the directors or overseers of the poor to the State hospitals for the insane

(b) To transfer the indigent insane from State hospitals for the insane to the almshouses poorhouses [or prisons] of the several counties charged with their maintenance

(c) To transfer patients or inmates from one State hospital for the insane to another such hospital

(d) To transfer a committed insane person from a licensed private hospital or institution to a State or licensed county hospital and vice versa

(e) To [apply] join with the Department of Corrections in application to the proper court for the removal to a hospital for the insane of any person imprisoned in a penitentiary or prison and believed to be insane

(f) To transfer a committed inmate from one type of institution under the supervision of the department to another type of institution under its supervision

(g) To investigate and be heard before an order is made in any case to remove to any place of custody other than a hosiptal any criminal confined in a hospital by order of any court or any lunatic committed to a hosiptal after an acquittal of crime

The cost of the transfer or removal and of the maintenance of any insane person transferred by or under the direction or upon the application of the Secretary of Welfare or other officer of the department pursuant hereto shall be borne and paid in the manner provided by law in the case of any such transfer or removal

All traveling expenses of indigent insane persons discharged by order of the Department from any State hospital for the insane from the hospital to their respective homes shall be paid by the hospital the amount thereof to be refunded to such hospital from the appropriation for the care and relief of such indigent insane then current

(h) To order and compel the parole or discharge of any person detained in any place as insane or of unsound mind other than a person committed after trial and conviction for crime or by order of court but the department shall not make any such order unless notice be given to the person having charge of the building in which and to the person or persons at whose instance the patient is detained and reasonable opportunity given them to justify a further detention and the deparment has caused the case of the patient to be personally attended and examined by its officer or agent

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

[(a) To require and supervise the transfer of inmates of one penitentiary to another under any law providing therefor]

[(b)] To request from any or all magistrates chiefs of police sheriffs district attorneys courts judges probation officers and all others concerned in the control apprehension [trial] hearing and punishment of [criminals and] juvenile delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of [criminals and] juvenile delinquents arrested [tried] heard and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reasons therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such magistrates and other officers to make such reports as such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2313 Mental Health The Department of Welfare shall have the power and its duty shall be

To administer and enforce the laws of this Commonwealth relative to the prevention of mental diseases mental defect epilepsy and inebriety the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epilepsy and the transfer discharge escape interstate rendition and deportation of mental patients except wherein the subject matter involved relates to hosiptals for the criminal insane and insitutions for mentally defective delinquents under the Department of Corrections

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments and if the board shall deem it advisable a business manager

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise he foregoing powers in the management of the following institutions

[Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia]

[Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary of Rockview]

[Board of Trusees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory hereafter to be known as Pennsylvania Industrial School at Huntingdon]

[Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy]

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

[Board of Trustees of Fairview State Hospital of State Hospital for the Criminal Insane at Fairview]

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hosiptal of State Hospital for the insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital at Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Phillipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous Coal Regions of Pennsylvania at Phillipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Treverton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village for Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State

Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst
Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk
Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2900 (Senate Bill No. 1346), entitled:

An Act to amend section one of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning [June] August first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

On the question,
Will the House agree to the section?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by striking out the words "section one of"

Amend sec. 1, page 2, by inserting between lines 25 and 26 the following sections:

"Section 2 In case any taxpayer shall default in the payment of any instalment of axes or in the payment of current taxes, as required in section one of this act, the penalties and interest, or penalties as the case may be, on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law.

At any time during the instalment period, any taxpayer may pay the entire amount of, or the balance due on, delinquent taxes, whereupon penalties, interest and all costs on delinquent taxes for the year one thousand nine hundred and thirty-three and prior years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-four shall be abated and all liens filed for such delinquent taxes satisfied of record; provided, however, taxes for the then current year and all prior years are paid.

Section 3. The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county, and the taxpayer and the real estate shall not [become] be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings."

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act to amend section one of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence

On the question,
Will the House agree to the title?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "section one of"

Amend title, page 1, last line of title, by inserting after the word "commence" the following: "permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid; and relieveing real estate from the payment of certain costs."

On the question,
Will the House agree to the amendments?
They were agreed,
On the question,
Will the House agree to the title as amended?
It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be Considered in Committee of the Whole being in this case dispersed with,

The House proceeded to the second reading and consideration of House Bill No. 2438, as follows:

An Act to amend section one of the act approved the second day of June one thousand nine hundred and twenty-three (P. L. 489) entitled "An act providing a method through which the Comonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" as amended extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of June one thousand nine hundred and twenty-three (P. L. 489) entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" as amended by section one of the act approved the thirtieth day of March one thousand nine hundred and twenty-five (P. L. 95) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in sections of the Commonwealth where wild deer are present in excessive numbers and are injuring or destroying farm crops [or] fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale in a material way the owners or lessees of the farm [or] fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale where such damage is occurring may petition the Board of Game Commissioners for assistance in the erection of a deer-proof woven wire fence whereupon said board or its representatitves shall investigate the conditions prevailing on the property of the petitioners and adjacent territory After investigation if deemed advisable the board may enter into an agreement with the petitioners and such others in the vicinity similarly affected as in the opinion of the board may require like protection for the erection of a deer-proof woven wire fence of such height design and materials as the board may specify to cost not to exceed twelve hundred dollars ($1,200) per mile under the conditions hereinafter set forth The provisions of this act shall not be construed to apply to gardens or truck patches except those where produce is raised for market

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 814, as follows:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the furbearing animal class to the vermin class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred one) is hereby amended to read as follows

Section 101 Definitions Whenever used in this act unless a contrary intention is evident from the context the word "person" shall include individuals copartnerships associations and corporations the singular shall include the plural and the masculine the feminine and neuter

The word "board" shall mean the Board of Game Commissioners

The word "secretary" shall mean the Executive Secretary of the Board of Game Commissioners

The term "game birds" shall include (a) The anatidae commonly known as geese brant and river and sea ducks (with the exception of wood duck and eider duck) (b) the rallidae commonly known as rails coots mudhens and gallinules (c) the limicolae comomnly known as shore birds plover surf birds snipe woodcock sandpiper tattlers and curlew (d) the gallinae commonly known as wild turkey grouse pheasants partridges and quail and (e) the birds commonly known as blackbirds.

The term "game animals" shall include (a) The wapiti or elk (b) the deer (c) the bear (d) the wild rabbit and hare (e) the red gray black and fox squirrel and (f) the raccoon

The word "game" shall include "game animals" and "game birds"

The term "fur-bearing animals" shall include (a) The mink (b) the muskrat (c) the opossum (d) the otter [(e) the skunk commonly called the polecat] and [(f)] (e) the beaver

The word "vermin" shall include all wild animals not classed as game animals or fur-bearing animals and all wild birds other than game birds and protected birds

The term "unprotected birds" shall include (a) The blue jay (b) the English sparrow (c) the European starling (d) the king-fisher (e) the buzzard (f) the gos-hawk (g) the sharp-shinned hawk (h) the Cooper's hawk (i) the red-tailed hawk (j) the red-shouldered hawk (k) The broad-winged hawk (l) the marsh hawk (m) the rough-legged hawk (n) the duck hawk (o) the pigeon hawk (p) the barred owl (q) the great horned owl (r) the snowy owl and (s) the crow

The term "protected birds" shall include all wild birds not included within the terms "game birds" and "unprotected birds"

The term "wild birds" includes all birds other than domestic birds"

The term "open season" shall mean the time during which game or fur-bearing animals may be legally taken or killed and shall include both the first and the last day of the season or period designated by this act

The term "close season" shall mean the time during which game or fur-bearing animals may not be legally taken or killed and includes all periods of time not included within the open season

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2867 (Senate Bill No. 1049), entitled:

An Act to amend clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania

Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four) are hereby further amended to read as follows

(i) The term "distillery" shall mean and include any premises or plant wherein alcohol or alcoholic liquid is manufactured made and distilled from raw materials blended or rectified or any place wherein alcohol or alcoholic liquid is produced by any method suitable for the production of alcohol The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same

(l) The phrase "winery" shall mean and include any premises and plants where alcoholic liquids or beverages are produced by the process by which wine is produced or premises and plants wherein liquid such as wine is produced and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products under such regulations as are or may be promulgated by the proper agency of the United States Government and such alcohol for that purpose only may be sold or exchanged between wineries holding permits in this Commonwealth without restriction

Section 3 It shall be unlawful for any person without a permit from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may [without a permit] manufacture wine [out of grapes grown by him] by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a permit-holding winery or to any person permitted to purchase liquor from a Pennsylvania Liquor Store in containers having therein not less than one gallon upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars ($500) and the securing of a permit at a fee of twenty dollars ($20) per annum The bond and license shall be under the same terms and provisions as other bonds and licenses provided for by this act

On the question,

Will the House agree to the section?

Mr. BARBER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 4, Line 1 by striking out the bracket after the word "wine"

Amend Section 1, Page 4, Line 1 by inserting a bracket before the word "by"

Amend Section 1, Page 4, Line 1 by inserting after the bracket before the word "by", the following: "in Pennsylvania"

Amend Section 1, Page 4, Line 4 by inserting a bracket before the word "person"

Amend Section 1, Page 4, Line 5 by inserting a bracket before the word "in" and inserting the following: "licensee licensed under the Pennsylvania liquor Control Act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL NO. 2692 MADE A SPECIAL ORDER

Mr. OMNISKY. Mr. Speaker, I move that House Bill No. 2629 entitled

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and duties providing for supervisions of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon

the City of Philadelphia the cost of continuance and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office providing for penalties for violation of this Act and repealing certain prior Acts

on page 16 of today's calendar, be made a special order of business on third reading and final passage on Tuesday, June 11, 1935 at 1:30 P. M.

The motion was agreed to.

BILL ON SECOND READING

Mr. WESTRICK. Mr. Speaker, I desire to call up at this time House Bill No. 2579, Printer's No. 1340, on page 18 of today's calendar, bills on second reading, which was passed over.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2579, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to met such appropriation

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty million dollars ($60,000,000) is hereby specifically appropriated from the General Fund to the State Emergency Relief Board to provide direct relief work relief and for administrative expenses as hereinafter provided during the period beginning June first one thousand nine hundred thirty-five and ending May thirty-first one thousand nine hudred thirty-six

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by striking out the word "sixty" and insert in lieu thereof "one hundred"

Amend sec. 1, page 1, line 5, by striking out the figures "($60,000,000)" and insert in lieu thereof "($100,000,000)"

On the question,

Will the House agree to the amendments.

Mr. HOOPES. Mr. Speaker and members of the House, I realize that it is twelve-thirty A. M. standard time, and there are a lot of us who get up on daylight savings time in the morning, and we want to get through as soon as possible, but this, I think you all will agree is one of the most important bills before this House at this session. It is the appropriation bill for unemployment relief. The bill before you provides an appropriation of sixty million dollars. The amendment is to increase that appropriation to one hundred million dollars for the year.

The bill as drafted, I think most of you know, applies to one year only and is not for the biennium, and the amendment likewise will apply for only one year.

The reason for making this amendment is that it is generally recognized by those familiar with the problem that funds for unemployment relief are grossly inadequate. The food vouchers were fixed at a time when prices were about forty per cent lower than they are at the present time. Food costs have gone up but the size of the vouchers to the unemployed has not been increased.

The investigation in Berks County has brought out the fact that the food vouchers at the present time are very insufficient. They recently had an investigation of food prices in various parts of the state, and the only way they could bring them within the vouchers that are being allowed was to cut down drastically on the amount of the food allowed to the unemployed. They took what was termed a restricted diet gotten out by the Department of Agriculture at Washington and then proceeded to cut the most important items such as milk, bread, butter, meat—cut those items so drastically as to make it virtually impossible for the unemployed family to exist upon the amounts that are allowed.

I could take a great deal of time discussing the inadequacy of the food vouchers, but I don't want to impose upon the good nature of the members of the House even on such an important matter as this, but I do want to urge upon you that the present vouchers are inadequate and that the only way that they can be increased is by an increased appropriation by this Legislature.

Not only are the food vouchers inadequate; the allowances for rent are also very inadequate,—they are figured on a monthly basis of one twelfth of twice the taxes. In our investigation in Berks County I took care to go into this matter, and I asked the Director of Rent Relief to give us an idea of the least amount of increase in this allowance that would made it possible for them to obtain housing for the unemployed, and he said if it were increased fifty per cent so that the payment to the landlords would be one-twelfth of three times the taxes that he thought that they could make it go. As it is at the present time when a family is evicted, he testified that in not more than two cases out of one hundred is it possible to find another house for them, with the result that they are taken over by the poor board, go to the poorhouse, the children are taken out of school and everything that goes with it. That is the sort of thing with which the unemployed are confronted.

I could take up more time,—I could take up each item of the unemployment relief and demonstrate to this House how inadequate it is. I only wish that as an experiment some of those who are opposed to increasing this appropriation would try to live with their families upon the amounts that are allowed. For instance a family of eight is allowed seventy cents a week for gas for cooking, which if you figure it out amounts to about three dollars a month, and if your family can get along with eight in the family for three dollars a month for gas for cooking and hot water, you must be experts. It certainly cannot be done, particularly where the unemployed are compelled in many instances to buy raw food in order to save, thereby cooking more than the ordinary family would. It cannot be done on the allowance for gas. The allowance for clothing is fifty cents per week per person. Would you like to try to clothe your family on that allowance? I don't think you would. I don't think any of you for a minute think it can be done; it can not.

Every investigation has indicated that this appropriation is too low. Now, my friends, if this were purely

a charitable proposition, you might be justified in saying, "Oh well, what does it matter?" But here we are dealing with involuntary unemployed, men who are willing and anxious to work, who are able to work, who, if you would give them a chance at a job, would gladly take it, and glady earn enough to keep their families in decency. But we say, "No, we don't have any jobs for you so that you can get along in decency." If that is the case, it is up to us to find the jobs for them or give them enough to keep them on a decent standard of living. I therefore ask the members of this House to vote "aye" on the amendment.

Mr. Speaker, I ask for a roll call.

Mr. WESTRICK. Mr. Speaker and members of the House, I want to agree with the gentleman from Berks, Mr. Hoopes, that this is a very serious proposition. Let us not forget that not only the unemployed are suffering, but those who pay the taxes and pay the bills are suffering in this State as well. I fully realize, members of the House, that the great problem of this session has been the means of raising the funds that are required to carry on. That is my first objection to the amendment offered by my friend, Mr. Hoopes. I fully realize that the Federal government has agreed to provide sufficient money to carry on the relief provided this state will furnish five million dollars a month. That is why the sixty million dollar figure was arrived at.

We also realize that our unemployed are on the increase. The unemployment in most of the counties is on the decrease, therefore I can see no just reason for this sum to be increased, and therefore, I ask you to give due consideration to this matter and to vote down this amendment.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. HOOPES and Mr. YOURISHIN and were as follows:

YEAS—25

Baine,	Hirsch,	Mooney,	Shaw,
Bradley,	Holland,	Moran,	Stank,
Brown, J. E.,	Hoopes,	Muir,	Tronzo,
Cannon,	Kinney,	Murrin,	Wasserman,
Duffort,	Kobelak,	Reising,	Yourishin,
Fitch,	McCreary,	Sarraf,	Zappala,
Gates,			

NAYS—109

Achterman,	Downey, G. E.,	Mallen,	Sinwell,
Alexander,	Downey, J. J.,	McDevitt,	Sloan,
Allen,	Eberharter,	McKinney,	Smith, J. A.,
Altenburg,	Eroe,	Mentzer,	Snyder, F. E.,
Andrews,	Ferko,	Merrell,	Snyder, J. L.,
Arnold,	Finnerty,	Moore,	Sproul,
Aukerman,	Flinchbaugh,	Moul,	Stevens,
Baldi,	Furman,	Nothnagle,	Stewart,
Barber,	Gillette,	O'Keefe,	Sumney,
Blumberg,	Hagerty,	Ominsky,	Trout,
Boose,	Haluska,	Fanton,	Tumelty,
Boyd, R.,	Hamilton, F. P.,	Parks,	Turner,
Boyer,	Hamilton, R. S.,	Patterson, C.,	VanAllsburg,
Brancato,	Harkins,	Patterson, J. W.,	VanSickle,
Brown, H. S.,	Harmuth,	Pearson,	Walker,
Brownfield,	Hetrick,	Peters,	Weidemann,
Burke,	Hoffner,	Pfaff,	Weiss,
Caputo,	Horst,	Powers,	Welliver,
Castor,	Jackson,	Robinson,	Welsh,
Chervenak,	Kane,	Ruth,	Westrick,
Coakley,	Kelso,	Scanlon,	White,
Cohen,	Klingler,	Schrock,	Winner,
Coleman,	LaRue,	Schwab,	Witkin,
Condon,	Long,	Shepard,	Wood,
Conner,	Longaker,	Siegel,	Woodside,
Coolahan,	Lovett,	Simon,	Yeakel,
Decker,	Male,	Simpson,	Sarig,
Diehl,			

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 The State Emergency Relief Board shall make allocations from time to time out of the monies appropriated to it among the several counties of this Commonwealth for work relief and direct relief on the basis of need and payments shall be made under such system of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine

The third section was read as follows:

Section 3 The money so allocated to a county over and above the sum set aside by the State Emergency Relief Board for work relief shall be available for expenditure in that county for direct relief for the unemployed who are without means of support through such agencies as shall be designated by the State Emergency Relief Board and under such rules and regulations as the board shall adopt

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, page 2, line 17, by inserting after the word "adopt" the following: "All direct relief shall be paid to those entitled in the form of cash"

Mr. HOOPES. Mr. Speaker and members of the House, this amendment won't cost you anything so maybe you will give it more consideration than the one that you just had. This amendment provides for the payment of direct relief in cash. That is a principle which is advocated by those who are administering relief; it is endorsed by the organizations of the unemployed unanimously throughout the state, for the reason that it will improve the morale of the unemployed; it will permit them to determine how their money is to be spent, and what items they are to be permitted to go without and what ones they are to have.

In addition, those in charge of the administration assure us that it will cost less to administer cash relief than it will to distribute in kind, as it is at the present time.

At the special session of nineteen thirty-four, I introduced a resolution in favor of cash relief, which was adopted by the House, by an overwhelming vote, but then when it came to drafting the appropriation bill, they didn't put it in. I hope this House will be more consistent. I didn't introduce a resolution at this time, but I have heard many of the members of this House expressing themselves as being in favor of distributing relief in cash, and in view of the fact that it is cheaper and that it is better for the unemployed, and the unemployed want it, and those who are distributing relief want it, and the further fact that it won't cost you more, but may cost less, because it will reduce the cost of administration, I can see no good reason why this House should not vote in favor of distributing relief in cash.

Mr. Speaker, I ask for a roll call.

Mr. WESTRICK. Mr. Speaker and members of the House, I will speak just one moment to explain my position. Our good friend, Mr. Hoopes, believes in cash re-

lief. We believe in relief, but we also believe in work relief as well. If you believe as I do you will vote "no" on these amendments.

Mr. HOOPES. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Westrick.

The SPEAKER. Will the gentleman from Cambria, Mr. Westrick, permit himself to be interrogated?

Mr. WESTRICK. Mr. Speaker, I will.

Mr. HOOPES. Mr. Speaker, did I understand the gentleman to say in answer to my argument that he believed in work relief as well as cash relief?

Mr. WESTRICK. That is right, Mr. Speaker.

Mr. HOOPES. I would like to ask, Mr. Speaker, just what that remark has to do with the argument on this particular amendment?

Mr. WESTRICK. Mr. Speaker, if you will read on page two, section two, you will find that it provides: "This money shall be allocated from time to time out of the moneys appropriated to it among the several counties of this Commonwealth for work relief and direct relief on the basis of need and payments shall be made under such system—"and so forth. If cash relief is to be used, then the work relief proposition would be eliminated, as I see it.

Mr. HOOPES. Mr. Speaker, I would like to ask the gentleman from Cambria, if he understood the amendment.

Mr. WESTRICK. Mr. Speaker, I think I did.

Mr. HOOPES. Mr. Speaker, I would like to call attention to the gentleman, from Cambria, Mr. Westrick, and to the members of the House, that the amendment reads, "All direct relief shall be paid in cash." It doesn't in any wise eliminate work relief and it applies only to direct relief.

I, too, believe in work relief, and was careful not to include in the amendment anything which would in anywise eliminate work relief. It only provides that direct relief be paid in cash, and does not apply to work relief at all. As a matter of fact, work relief at the present time is paid in cash.

Mr. WESTRICK. Mr. Speaker, in answer to the argument of the gentleman from Berks, Mr. Hoopes, the board has that power at its discretion now and I do not know why this amendment should be necessary.

Mr. HOOPES. Mr. Speaker, in answer to the gentleman from Cambria, I would like to say that the board had that power until last year when the act was specifically worded to provide cash relief, and the board at that time did not use cash relief, and I am afraid that they may not now, although practically everybody connected with the administration has said that they were in favor of it, and I don't want this Legislature to be put on the spot further with the unemployed. Let us decide definitely whether we are in favor of direct relief or not, and if we are in favor of direct relief, let us distribute it in cash, then there will be no doubt what we mean.

Mr. TURNER. Mr. Speaker and members of the House. I would like to interrogate someone on this question, and, therefore, I ask the members of the House if there is anyone who can answer it. The problem as I see it and as I recall the situation, the question is not so much whether we are in favor of cash or direct relief paid in cash, but whether the Federal government does not provide does not stipulate, that it shall be paid in other than cash.

Mr. HOOPES. Mr. Speaker, I will be glad to be interrogated on that point.

Mr. TURNER. Mr. Speaker, I will ask Mr. Hoopes that question

Mr. HOOPES. Mr. Speaker, in answer to the question I would like to point out to the gentleman that we are now distributing federal funds in cash relief in Philadelphia and in Pittsburgh, and that the reason that they are not paying cash relief in other parts of the state, as given by the State Emergency Relief Board, is that the present appropriation from the state forbids the use of state funds for cash relief.

Mr. TURNER. Mr. Speaker, that doesn't seem to answer the question. I asked whether the Federal government doesn't stipulate and require the distribution of direct relief in other than cash.

Mr. HOOPES. Mr. Speaker, in answer to the gentleman, I would say that the Federal government has no such restriction upon Federal funds as is demonstrated by the fact that Federal funds are being distributed in direct relief in both Philadelphia and Pittsburgh.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from Berks, Mr. Hoopes, whether his answer to my question is based on the fact that direct relief in cash is distributed in Philadelphia and one or two other centers or on his knowledge of the requirements of the Federal government?

Mr. HOOPES. Mr. Speaker, in answer to the gentleman I will answer that it is based upon both. I happen to know as to the requirements of the Federal government, that there is nothing in the regulations of the Federal government that prohibits the payment in cash, and the further fact which would seem to me to be the best argument that the Federal funds are being so distributed now.

Mr. EROE. Mr. Speaker, as a member of the Joint Committee to investigate relief in Pennsylvania, I believe that practically every head of the emergency relief, and the previous head of the emergency relief have advocated cash relief. The over-head, the administration of the emergency relief board ran tests, particularly chosen from the relief roll. Many of them are not in need of relief. Today relief is administered practically the same as cash. An order is given for groceries, and order is given for shoes, and order is given for rent and an order is given for clothes. This is a duplication of the work and it would materially cut down the administration of relief if it were administered in cash.

I wish the members of the House would vote for the amendment.

Mr. KANE. Mr. Speaker and members of the House, I am surprised that there is no defense of the law as it stands.

I don't know how it is in Philadelphia or how it is in Pittsburgh, but I know in our district a great many of the people who are on relief are there because they could not manage their own affairs. There are many of them who are there through nothing but misfortune, no fault of their own, but there are a great many others who use the cash they get to buy liquor and go to shows and a lot of other things in preference to furnishing food and clothing and then paying their rent.

It is conceivable that federal funds are to be dispensed from the huge appropriation that has been made will furnish a lot of food in this Commonwealth and the de-

sire to get the cash is one of the greatest incentives to urge men to seek work. It is only natural that people who receive relief would vote unanimously in favor of getting cash. Who wouldn't? It is only natural that paymasters who distribute these funds would take the easiest method of doing so, but those of you who want to be sure that the people who need food and who need clothing and who need housing, get that need supplied rather than their parents getting cash, will vote against these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. HOOPES and Mr. YOURISHIN and were as follows:

YEAS—57

Baine,	Fitch,	Lovett,	Powers,
Baker, J. J.,	Hagerty,	McElroy,	Reising,
Bradley,	Haluska,	Mooney,	Reynolds,
Burke,	Hamilton, R. S.,	Moore,	Sarraf,
Cannon,	Harkins,	Moran,	Scanlon,
Carson,	Hart,	Muir,	Shaw,
Conner,	Hirsch,	Murrin,	Sowers,
Dent,	Holland,	Nagel,	Stank,
Diehl,	Hoopes,	O'Keefe,	Stewart,
Downey, J. J.,	Jackson,	Ominsky,	Tronzo,
Duffort,	Kelder,	O'Neill,	Trout,
Eroe,	Kilroy,	Patterson, J. W.,	Weiss,
Falkenstein,	Kinney,	Pearson,	Yourishin,
Ferko,	Kobelak,	Pfaff,	Zappala,
Finnerty,	Long,		

NAYS—75

Achterman,	Dilley,	Patterson, C.,	Surface,
Alexander,	Downey, G. E.,	Peters,	Tumelty,
Allen,	Forrest,	Robinson,	Turner,
Altenburg,	Furman,	Ruth,	VanAllsburg,
Andrews,	Gillette,	Schrock,	Van Sickle,
Arnold,	Haberlen,	Schwab,	Walker,
Atkins,	Hamilton, F. P.,	Schwartz,	Wall,
Aukerman,	Hetrick,	Siegel,	Weidemann,
Baldi,	Hindman,	Simon,	Welsh,
Barber,	Kane,	Simpson,	Westrick,
Boose,	Klingler,	Sinwell,	White,
Boyer,	Longaker,	Smith, J. A.,	Wickersham,
Brancato,	Male,	Snyder, F. E.,	Winner,
Brown, H. S.,	McCreary,	Snyder, J. L.,	Witkin,
Castor,	McKinney,	Spangler,	Wood,
Coakley,	Mentzer,	Sproul,	Woodside,
Cohen,	Merrell,	Stevens,	Yeakel,
Coleman,	Moul,	Stott,	Sarig,
Decker,	Nothnagle,	Sumney,	

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fourth, fifth, sixth and seventh sections and title were separately read and agreed to as follows:

Section 4 Out of the appropriations made by this act the State Emergency Relief Board shall from time to time allocate to the State Veterans Commission an aggregate of three hundred seventy-five thousand dollars ($375,000) for the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means

Section 5 The State Emergency Relief Board may from time to time expend or authorize the expenditure of such sums as may be necessary out of the appropriation made by this act for the payment of salaries wages or other compensation of the director and other employes or assistants for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone rentals telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices for the payment of premiums on surety bonds for such officers and employes as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned and operated by the board which policy or policies shall protect both the Commonwealth and State officers or employes operating such motor vehicles against claims for damages for injury to person or property for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of the board for payment to the State Work Relief Compensation Fund such monies as may be necessary under the provisions of the act of June third one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) for the payment of rents for such buildings offices rooms storage space and lands as may be required for the accommodation or performance of the work of the board and for such other uses as the State Emergency Relief Board may in its discretion deem necessary to carry out the purposes for which the appropriation is made under this act

Section 6 The appropriation made by this act shall be paid out of the revenues accruing to the General Fund which were dedicated by legislation enacted at this session of the General Assembly for unemployment relief purposes Provided however That if such dedicated revenues accruing to the General Fund during the period for which this appropriation is made from time to time shall prove insufficient to meet the appropriation then the appropriation to such extent as shall be necessary from time to time shall be paid out of moneys in the General Fund which are not expressly dedicated by law for any particular purpose and any revenues dedicated as aforesaid subsequently accruing to the General Fund after the period for which this appropriation is made shall be available by way of reimbursement for General Fund purposes

Section 7 This act shall become effective immediately upon final enactment and shall be retroactive to the first day of June one thousand nine hundred thirty-five

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. CANNON. Mr. Speaker, I move that the time on House Bill No. 2253, Printer's No. 1257, entitled:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties,

on page 44 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. AUKERMAN. Mr. Speaker, I move that the time on House Bill No. 2413, Printer's No. 1155, entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the authority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

on page 28 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. AUKERMAN. Mr. Speaker, I move that the time on House Bill No. 2411, Printer's No. 1156, entitled:

An Act providing for the creation of power districts prescribing powers and duties of such districts authorizing such districts to conduct and operate utilities for the production transmission or distribution of electric energy and to issue bonds and providing for the payment of such bonds and imposing duties and conferring powers on certain State officers and The Public Service Commission.

on page 28 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur) that House Bill No. 89, Printer's No. 40, entitled "An act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2203, Printer's No. 773, entitled "An act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled 'An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations' requiring dealers in securities to make reports of their financial conditions", be recalled from the Governor for further consideration.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives. June 10, 1935.

Resolved (If the Senate concur), That House Bill No. 1286, Printer's No. 1282, entitled "An act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled 'An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registrations of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties' by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows [instead of] Non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health, be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2050, Printer's No. 636, entitled "An Act to amend the act entitled 'An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended extending the provisions of said act to highways in cities' as amended," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2053, Printer's No. 655, entitled "An act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled 'An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth" be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), that House Bill No. 2380, Printer's No. 774, entitled "An act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 2485, Printer's No. 1301, entitled "An act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossing or in the alteration or abolition of existing crossings on State highways or continuation thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and public service railroad companies and making an appropriation", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 371

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 371, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

And has appointed Messrs. Hunsicker, Howell and Rodgers, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 147

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 147, entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention with limited powers conferring jurisdiction on the Court of Common Pleas of Dauphin County and making an appropriation

And has appointed Messrs. Owlett, Ealy and Huffman a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

REPORTS FROM COMMITTEES

Mr. O'NEILL, from the Committee on Boroughs and Townships, reported as committed, House Bill No. 2926, entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud, corruption or dishonesty or profit to such councilmen, and where the borough is in possession of and uses such fire apparatus.

Mr. TURNER, from the Committee on Insurance, reported as amended, House Bill No. 2755, entitled:

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month," extending the provisions of said act to certain other contracts.

Mr. GERARD, from the Committee on Appropriations, reported as amended, House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission, for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society, and known as "Old Economy."

Mr. SIMON, from the Committee on Ways and Means, reported as committed, House Bill No. 2520, entitled:

An Act to amend the act approved the seventh day of May, one thousand nine hundred and twenty-seven (P. L. 859), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section two; authorizing the payment of estate taxes under protest without prejudicing rights, where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth.

Mr. COAKLEY, from the Committee on Insurance, reported as committed, House Bill No. 2299, entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

Mr. STEVENS, from the Committee on Ways and Means, reported as committed, House Bill No. 2827, entitled:

An Act to further amend section two of the act approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred twenty-one), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," by imposing a graduated tax and allowing further deductions.

Mr. WEISS, from the Committee on Ways and Means, reported as committed, House Bill No. 2658, entitled:

An Act to provide revenue for State and school purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations receiving deposits of money and on corporations, incorporated associations, and limited partnerships, conferring powers and imposing duties on certain State officers and departments, and on school districts; imposing penalties and making an appropriation.

Mr. FURMAN, from the Committee on Ways and Means, reported as committed, House Bill No. 2523, entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to, and to amend section one thousand two hundred two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of it sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; authorizing any person, association, corporation or public officer, against whom an account has been settled, or against whom an account may be settled on the basis of a report filed, to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement, without prejudice to the right of resettlement, review or appeal, and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal.

Mr. WESTRICK, from the Committee on Ways and Means, reported as committed, House Bill No. 2521, entitled:

An Act to amend section thirteen of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents, without prejudice to the right of appeal.

Mr. BAINE, from the Committee on Ways and Means, reported as committed, House Bill No. 2925, entitled:

An Act to amend section four of the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number ninety-one), entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties," by changing the time of payment.

Mr. SOWERS, from the Committee on Ways and Means, reported as committed, House Bill No. 1876, entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties, the interest charges shall be stricken off.

Mr. SCHWAB, from the Committee on Ways and Means, re-reported as committed, House Bill No. 1250, entitled:

An Act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2926, entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud, corruption or dishonesty or profit to such councilmen, and where the borough is in possession of and uses such fire apparatus.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2520, entitled:

An Act to amend the act approved the seventh day of May, one thousand nine hundred and twenty-seven, (P. L. 859), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen, (P. L. 521), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section two; authorizing the payment of estate taxes under protest without prejudicing rights, where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2299, entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2827, entitled:

An Act to further amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal;" by imposing a graduated tax and allowing further deductions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2658, entitled:

An Act to provide revenue for State and school purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations receiving deposits of money and on corporations, incorporated associations, and limited partnerships, conferring powers and imposing duties on certain State officers and departments, and on school districts; imposing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2523, entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to, and to amend section one thousand two hundred two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; authorizing any person, association, corporation or public officer, against whom an account has been settled, or against whom an account may be settled on the basis of a report filed, to pay to the Depart-

ment of Revenue under protest any sum of money on account thereof before or after such settlement, without prejudice to the right of resettlement, review or appeal, and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2521, entitled:

An Act to amend section thirteen of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents, without prejudice to the right of appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2925, entitled:

An Act to amend section four of the act approved the sixteenth day of May, one thousand nine hundred and thirty-five, (Act No. 91) entitled, "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties," by changing the time of payment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1876, entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties, the interest charges shall be stricken off.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Appropriations will meet tomorrow at 9.00 A. M. in room 326.

The Committee on Agriculture will meet tomorrow at 9.30 A. M. in room 324.

The Committee on Elections will meet tomorrow at 9.30 A. M. in room 323.

The Committee on Judiciary General will meet tomorrow at 10.00 A. M. in room 325.

The Committee on Highways will meet tomorrow at 10.00 A. M. in room 326.

The Committee on Cities will not meet tomorrow.

The Committee on Labor will not meet tomorrow.

The Bi-partisan House Committee of 26 for real estate tax relief will meet tomorrow at 10.00 A. M. in room 521.

The War Veterans Rendezvous will be held tomorrow evening June 11th at 6.30 o'clock in the Pythian Castle on State Street, directly in front of the capitol. There have been sold over two hundred tickets but if there are any veterans who have not procured tickets they may still do so from any member of the committee.

All members of the Senate and House are invited to be guests of the Newspaper Correspondents at a spring festival and maypole dance to be held Wednesday afternoon beginning at 5.00 P. M. at Hagey's Hanging Gardens which is reached by proceeding out Cameron Street, past the Farm Show building until a swimming pool is encountered to the right of the road. Refreshments a liquid and solid will be served and in addition there will be a hog calling contest between Charley Baldy and Al Rinn.

John M. Cummings,
Chairman of the Committee

HOUSE BILL NO. 1383 TAKEN FROM TABLE

Mr. MORAN. Mr. Speaker, I move that House Bill No. 1383, Printer's No. 470, which together with the communication from the Governor was laid upon the table be taken from the table.

The motion was agreed to.

RESOLUTION

RETURNING HOUSE BILL NO. 1383 TO THE GOVERNOR

Mr. MORAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 1383, Printer's No. 470, entitled "An act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto,' by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter session and oyer and terminer in counties of the second class," which was recalled from the Governor May 7 for the purpose of further consideration, be returned to the Governor without amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

ADJOURNMENT

Mr. SLOAN. Mr. Speaker, I move that this House do now adjourn until 11.00 A. M.

The motion was agreed to and (at 1.25 A. M.) the House adjourned until Tuesday, June 11, 1935, at 11.00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, JUNE 11, 1935 No. 74

SENATE

TUESDAY, JUNE 11, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Impress upon the members of this Senate, O God, a sense of responsibility. Responsibility to Thee, to those who have placed them in their present positions in this body, to their Commonwealth and to their Nation. May all their deliberations, debates and final enactments be well-pleasing unto Thee, the author of all good law—then shall the responsibility to constituents be rightly discharged and the best interests of State and Nation be conserved.

No man is wise enough to decide such serious issues as arise in this chamber by means of his own wisdom. Give to these men, O God, Thy counsel. Grant that each of them may hearken unto Thee. Thus may they be oblivious to criticism and possess that greatest of blessings, a clear conscience.

We ask this for Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition from the First Presbyterian Church, Beaver Falls, protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

PROTESTING AGAINST SENATE BILL NO. 1473

The Chair also laid before the Senate petition from the Council of the Borough of Bellevue protesting against Senate Bill No. 1473.

Which was referred to the Committee on Municipal Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

Mr. GRAFF presented petitions signed by numerous residents of Butler and Armstrong Counties protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

Mr. BATCHELOR presented petitions from several churches protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1962.

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives June 11, 1935.

Resolved (if the Senate concur), That House Bill No. 1962, Printer's No. 1257, entitled:

An Act to amend Sections 1 and 2 as amended Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 67.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur), That House Bill No. 67, Printer's No. 1297, entitled:

An Act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people regardless of race or color," amplifying and extending the provisions of said act and increasing the penalties for violation thereof

be recalled from the Governor for the purpose of amendment.

Mr. BUCKMAN. Mr. President, I move that the Resolution be laid on the table.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 2205

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur), That House Bill No. 2205, Printer's No. 861, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended providing for meetings of teachers

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1383.

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 1383, Printer's No. 470, entitled:

An Act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class

be returned to the Governor without amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2488

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2488, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 824), entitled "Banking Code" as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, June 10, 1935.

Resolved (if the House of Representatives concur). That when the Senate adjourns this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House of Representatives as follows:

House Bill No. 2016 (Senate Bill No. 1604), entitled:

An Act creating a State Planning Board, prescribing and defining its powers and duties, including the planning of long term and emergency programs of public works construction and expenditure, planning for the conservation and utilization of the resources of the Commonwealth, coordinating the plans of the various departments of the State government for the general good of the Commonwealth, and assisting official and citizen constituted planning groups throughout the Commonwealth, cooperating closely with the Federal government, making special studies for the Legislature when requested and provided for, and such other activities as may be assigned to it by the Governor of the Commonwealth, and making an appropriation.

Which was committed to the Committee on State Government.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Public Health, re-reported as amended, Senate Bill No. 848, entitled:

An act to provide for sexual sterilization of mental defectives.

Mr. HOWELL, from the Committee on Highways, reported as committed, Senate Bill No. 1490 (House Bill No. 2048), entitled:

An Act to amend Sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money

in the Motor License Fund for the purpose of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes.

Mr. ARON, from the Committee on Public Health, reported as committed, Senate Bill No. 1528, entitled:

An Act to amend section thirteen of the act approved the nineteenth day of March, one thousand nine hundred and nine (Pamphlet Laws forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act" as amended; prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr." before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 1242, entitled:

An Act to amend section four of the act approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1093), entitled "An act creating, in counties having a population of from eight hundred thousand to one million five hundred thousand, a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; fixing thir salaries, payable by the county; defining the powers and duties of such board, and regulating the assessment of property and occupations for State and county purposes; authorizing the appointment of subordinate assessors and clerks, defining their duties and providing for their compensation, payable by such counties; imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act, and abolishing the office of ward, borough, and township assessor, in so far as respects the assessment of property and occupations for State and county purposes;" providing that the Board of Assessors of cities of the second class shall, for the year one thousand nine hundred and thirty-six, and subsequent years, furnish annually to the Board for the Assessment and Revision of Taxes of said Counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities; and further providing that, in the appointment of subordinate county assessors, only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

Also from the Committee on Public Health reported as amended, Senate Bill No. 1148 (House Bill No. 893), entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities except of the second class A boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period.

Mr. CHAPMAN from the Committee on Public Health re-reported as committed, Senate Bill No. 1257 (House Bill No. 2067), entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties."

Mr. ZIESENHEIM from the Committee on Municipal Government reported as committed, Senate Bill No. 1059 (House Bill No. 483), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amend, revising, consolidating and changing the law relating thereto" by authorizing such township to prohibit and regulate the manufacture, sale and exposure of fireworks and other inflammable materials, imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

Mr. BATCHELOR from the Committee on Public Health reported as committed, Senate Bill No. 1472, entitled:

An Act defining the powers, of persons, partnerships, associations or corporations operating cemeteries and burial grounds, to get and make regulations governing their conduct and operations and prohibiting certain acts, and conferring upon common pleas courts, jurisdiction to restrain the violation of this act.

Also from the Committee on Public Health reported as committed, Senate Bill No. 1469, entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth; prescribing the procedure therefore and deliminating the costs thereof; imposing certain duties on directors of the Poor and/or the County Commissioners in the several Counties; and providing penalties.

Mr. MALLERY from the Committee on Highways, reported as amended, Senate Bill No. 1229 (House Bill No. 2056), entitled:

An Act to amend sections one and three of the act approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred nine), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place, and benefits for improvements.

Mr. THOMPSON (Westmoreland) from the Committee on Judiciary General, reported as amended, Senate Bill No. 837 (House Bill No. 1798), entitled:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties.

Mr. SHAPIRO from the Committee on Education, reported as committed, Senate Bill No. 1369 (House Bill No. 2212), entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such

revenue, and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability on such bond shall cease.

Also from the Committee on Judiciary General, reported as committed, Senate Bill No. 905 (House Bill No. 914), entitled:

An Act to supplement an act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1055) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their re-arrest and re-conviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by providing for release on parole on recommendation of the board of inspectors of any county prison house of correction or workhouse and for the conditions and limitations thereon and authorizing the appointment of parole officers by boards of prison inspectors.

Mr. TRAINER from the Committee on County Government, reported as amended, Senate Bill No. 984 (House Bill No. 1565), entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 762) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law thereto" by requiring records of poor districts to be open to inspection.

Also from the Committee on County Government, reported as amended, Senate Bill No. 985 (House Bill No. 1566), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection.

Also from the Committee on Public Health, reported as committed, Senate Bill No. 1480 (House Bill No. 2742), entitled:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health.

Also from the Committee on Public Health, reported as committed, Senate Bill No. 1539, entitled:

An Act to further amend section twelve of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation or suspension of licenses given by said Bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

EXECUTIVE NOMINATION

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination by His Excellency, the Governor of the Commonwealth:

MEMBER OF STATE COUNCIL OF EDUCATION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the appointment of John J. Sullivan, Land Title Building, Philadelphia, as a member of the State Council of Education, vice Aloysius L. Fitzpatrick, resigned, for the term of six years.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEES

Mr. BUCKMAN from the Committee on Highways reported as committed, Senate Bill No. 1509, entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue, and defining its powers and duties.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1546 (House Bill No. 477), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1550 (House Bill No. 805), entitled:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1552 (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1555 (House Bill No. 1587), entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1556 (House Bill No. 1591), entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1582, entitled:

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake, in Luzerne County.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1398, entitled:

An Act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1489 (House Bill No. 1943), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1547 (House Bill No. 564), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1551 (House Bill No. 1031),

An Act making appropriations to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks Yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1558 (House Bill No. 1895), entitled:

An Act making appropriations to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1565 (House Bill No. 2184), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes.

BILLS INTRODUCED

Mr. REED (Dauphin) read in his place and presented to the Chair Senate Bill No. 1605 entitled:

An Act to further amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of ap-

plication for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by excluding diversion of traffic as an element of damage.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 1606, entitled:

An Act to amend section five hundred and fourteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by excluding diversion of traffic as an element of damage where county roads are relocated.

Which was committed to the Committed on Highways.

Mr. COYNE read in his place and presented to the Chair Senate Bill No. 1607, entitled:

An Act to amend section one thousand and twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs" providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges on boroughs.

Which was committed to the Committee on County Government.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 900, entitled:

An Act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" limiting existing indebtedness as covered by the section to bonded indebtedness

Said amendments having been printed as required by the Constitution, were twice read as follows: Amend section 1, page 2, line 14 by underscoring the word "bonded" at the beginning of the line.

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 712, on final passage, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of busness by corporations not previously licensed and registered and preserving the right of certain other corporations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 952, as follows:

An Act to amend section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" providing an alternative method of computing unearned premium liability

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds

associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 310 COMPUTATION OF UNEARNED PREMIUM LIABILITY In determining the liabilities upon its contracts of insurance of any insurance company other than life insurance companies and the amount such company should hold as an unearned premium liability the Insurance Commissioner shall for casualty insurance charge one-half of the premium on all annual policies written within one year and on policies written for more than one year he shall charge one-half of the current year's premiums plus the whole of the premiums for subsequent years For fire insurance he shall charge fifty per centum of the premiums written in their policies upon all unexpired risks that have one year or less than one year to run and a pro rata of all premiums on risks having more than one year to run on perpetual insurance he shall charge the cash deposit received less a surrender charge of not exceeding ten per centum thereof For marine and inland insurance he shall charge fifty per centum of the premium written in the policy upon yearly risks and upon risks covering more than one passage not terminated and the full amount of the premium written in the policy upon all other marine and inland risks not terminated Provided That the Insurance Commissioner may in his discretion charge a premium reserve equal to the unearned portions of the gross premiums charged computed on each respective risk from the date of the issuance of the policy

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatitves for concurrenc.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1035, on final passage, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 52, as follows:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth and providing for an appeal to the Court of Common Pleas of Dauphin Count

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no certificate of incorporation of a proposed domestic corporation and no statement and designation of a foreign corporation having for its purpose the formation of an organization of a group or a combination of groups of working men and women or wage-earners having the name of labor Organize Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Allied Trades Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor Pennsylvania State Federation of Labor or the component parts thereof or the significant words therein whether the same are used in juxtaposition or with interspace shall be filed or recorded for the purpose of effecting incorporation or of authorizing it to do business in this State unless such certificate or designation shall be accompanied by an indorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of such organization and has determined that it will not be harmful to the community in which it proposed to operate or to the Commonwealth Where the Secretary of the Commonwealth refuses his endorsement to any certificate or designation it shall be his duty to notify one of the persons signing such certificate or designation of his action

Any person aggrieved by the action of the Secretary of the Commonwealth in refusing to enter his endorsement on any such certificate of incorporation or designation shall have the right to appeal from the action of the Secretary of the Commonwealth to the Court of Common Pleas of Dauphin County at any time within sixty days after notice of such refusal Such appeal shall be by petition a copy of which shall be served on the Secretary of the Commonwealth within five days after the presentation of the appeal petition After service of the petition on the Secretary of the Commonwealth the court shall fix a day and time for hearing of which notice shall be given to all parties interested as the court may direct The court shall hear the matter de novo and after full hearing and argument the court shall make such order either affirming or reversing the action of the Secretary of the Commonwealth and ordering the proper endorsement as to it appears just and proper The action of the Court of Common Pleas of Dauphin County shall be final

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Rankin,	Sordoni,
Cavalcante,	Hunsicker,	Reed,	Staudenmeier,
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland
Coyne,	Law,	(Washington)	Trainer,
Ealy,	Mallery,	Rice,	Woodward,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—2

Pytko,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 116, entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 910) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Aron,	Gelder,	McGinnis,	Shapiro,
Baumer,	Graff,	Norton,	Sordoni,
Bean,	Harris,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Centre)
Cavalcante,	Howell,	Pytko,	Thompson,
Chapman,	Hunsicker,	Rankin,	(Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Salus,	Ziesenheim,
Frey,			

NAYS—10

Batchelor,	Lanius,	Reed,	Rupp,
Huffman,	Law,	(Washington)	Sones,
Kahle,	Reed, (Dauphin)	Rodgers,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurence.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF HOUSE BILL No. 304

Mr. McCREESH. Mr. President, I move that the Committee on Judiciary Special be now discharged from further consideration of Senate Bill No. 218 (House Bill No. 304), so that the same may be returned to this Senate floor for consideration by the members of this body. This is known as the Full Crew Bill.

Mr. CAVALCANTE. Mr. President, I second the motion.

The yeas and nays were required by Mr. McCREESH and Mr. CAVALCANTE and were as follows, viz:

YEAS—18

Baumer,	Kahle,	Pytko,	Rodgers,
Cavalcante,	Lanius,	Rankin,	Staudenmeier,
Frey,	Law,	Reed,	Thompson,
Harris,	McCreesh,	(Washington)	(Centre)
Huffman,	McGinnis,	Roberts,	Ziesenheim,

NAYS—29

Aron,	Ealy,	Norton,	Shapiro,
Batchelor,	Gelder,	Owlett,	Sones,
Bean,	Graff,	Pierson,	Sordoni,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Reed,	(Westmoreland)
Chapman,	Hunsicker,	(Dauphin)	Trainer,
Clark,	Mallery,	Rice,	Woodward,
Coyne,	McClure,	Rupp,	

So the question was determined in the negative.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF HOUSE BILL No. 311

Mr. McCREESH. Mr. President, I move that the Committee on Judiciary Special be discharged from further consideration of Senate Bill No. 219 (House Bill No. 311), so that the same may come to the floor for a vote.

Mr. CAVALCANTE. Mr. President, I second the motion. I think this is what is known as the Train Limit Bill.

The yeas and nays were required by Mr. McCREESH and Mr. CAVALCANTE and were as follows, viz:

YEAS—16

Baumer,	Kahle,	Reed,	Staudenmeier,
Cavalcante,	McCreesh,	(Washington)	Thompson,
Frey,	McGinnis,	Roberts,	(Centre)
Harris,	Pytko,	Rodgers,	Ziesenheim,
Huffman,	Rankin,		

NAYS—32

Aron,	Graff,	Norton,	Salus,
Batchelor,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Buckman,	Howell,	Prince,	Sordoni,
Chapman,	Hunsicker,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Rupp,	Woodward,
Gelder,	McClure,		

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, and members of the Senate, during the week prior to May 15th an agreement was entered into between the Republican members of the Senate and the Governor of the Commonwealth that certain tax bills would be passed in order to meet the requirements of the Federal Government for five million dollars each month to be paid for relief. I hold in my hand a newspaper clipping which was printed at that time and which states that what the fiscal compromise provides are the new taxes by which Governor Earle and the Republican Senators agreed to raise sixty million dollars for next year.

It then outlines the seven bills which were then on the Senate calendar, and which bills were passed. There remain three bills which have not as yet been passed, but which must be passed in order that the Senate of Pennsylvania may fulfill the terms of that agreement.

I do not think, Mr. President, and gentlemen of the Senate, that that agreement should be set aside after negotiations and repeated conferences lasting for many weeks. This was an agreement which was entered into, and in order that there may be no question whatever that further demands be made upon this Legislature for unemployment relief in order that the demands of the Federal Government be complied with, lest the penalty be exacted that relief be cut off in Pennsylvania, I take the position that this bill should be brought to a vote. One of these bills has for many legislative days been on the postponed calendar of this Senate.

In the interest of the people of this Commonwealth and in order that this Senate may register its vote on this bill, which it has been agreed both by the Republicans and by Democrats shall be passed, I now call up from Bills on Third Reading Postponed for the Present, on page 18 of today's Calendar, House Bill No. 2853, Senate No. 1429, commonly known as the State tax upon bank checks.

Mr. HARRIS. Mr. President, a few weeks ago I took occasion to remind this body that there had been an agreement entered into with the Government on certain taxes to provide money for relief, and I insisted that that program be carried out. I am still of the same mind. However, if taxes can be substituted for the ones agreed upon, and there can be a mutual agreement on some other taxes that will weigh less on the people of Pennsylvania, and will not hamper business, I am perfectly willing to substitute some other taxes that will bring the required amount.

I speak now of this particular tax—the check tax. At the time this was agreed upon—both this and the mercantile tax—it was done with great reluctance; it was felt that it might interfere with the banks of the State. I am ready and willing to vote for it if it is insisted upon being voted on today, but I am also perfectly willing to submit to any agreement to substitute any other tax for the check tax; but if the Senator from Dauphin, Mr. Reed, insists upon our voting on it, I am perfectly willing to carry out my part of the agreement. I know we made an agreement on that at that time. I also know that there was no agreement at that time to deliver thirty-one Republican votes. I know it was the consensus that there would be enough votes to pass these tax bills.

Now then, we made that agreement, and the Republican Party cannot further injure their chances by refusing to meet it. I know the purpose today may be to defeat these taxes; but what would be the result? If this tax is defeated, then the relief program is that much short. If they desire, they can leave this on the postponed calendar and substitute some other tax for it, and I will be glad to vote for it; but if it comes up for vote today I want to remind the Republican Party that they have pledged themselves to the Governor of Pennsylvania and made an agreement with their colleagues on the Democratic side, and this is not the time to be breaking agreements.

Mr. REED (Dauphin). Mr. President, I want it to be distinctly understood that I have no intention of breaking the agreement. I intend to vote "aye" on this bill.

Mr. McCLURE. Mr. President, I believe that agreements can be changed by mutual consent. At a meeting of the Committee of Finance last evening it was agreed that the committee should meet with the Governor today to consider two substitutes for this bill. I would like to see action postponed at this time, and I ask the members of the Senate to defeat this motion to consider this bill at this time.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, the bill is not properly before the Senate unless a motion is made that the Senate proceed to the consideration of this bill; and that motion must be made and passed before the bill may be considered.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, just called the bill up; there was no seconder.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. REED (Dauphin). Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of parliamentary inquiry.

Mr. REED (Dauphin). Mr. President, during my experience, both in the House and in the Senate, I have repeatedly heard bills called up from the postponed calendar without any motion; I have never heard a motion made to call up a bill from the postponed calendar. I would like a ruling from the Chair as to whether such motion is necessary.

The PRESIDENT. The Senator from Dauphin is right; if there are no objections when the bill is called up, the Senate will proceed to the consideration thereof. There was no objection, as I recollect, made to the calling up of the bill by the Senator from Dauphin, Mr. Reed.

Mr. SHAPIRO. Mr. President, on the question of this bill I should like to say I have listened with great interest to statements by a number of my colleagues in the Republican Party that there was an agreement with the Governor. I have tried to maintain a consistent position here in regard to providing taxes for relief, whether there be an agreement with the Governor or not. Some of the very gentlemen who were speaking on the question of an agreement with the Governor have voted against all tax bills proposed here—whether suggested by the Governor or by the Republicans. I think the Republicans in Pennsylvania today are engaged in the very interesting job of writing a platform for the Democratic Party; and I do not propose to participate in that. I do not think that the Republican organization was wise in suggesting new taxes. This is one of the new taxes that were not suggested by anybody but the Republican organization. It is one of those I propose to vote against, whether suggested by either party or accepted by either party,—and for the reason that it is going to work a great hardship against institutions in Pennsylvania, and hurt business. I know of one institution in Pennsylvania which will be affected to a very great extent by such attacks; it writes out eighteen or twenty thousand checks every two weeks for its payroll, and at two cents a check the tax would amount, in round figures, to something like $2,236 every

two weeks. I know that the actuaries of that company or the so-called controllers, are going to figure out ways and means of saving their company the $53,000 that would cost them in a year. That money is all going to be diverted to other States. I think it is a bad time to pass any relief bills like this, which would simply be adding fuel to the fire that we ourselves have started.

If it is in order, Mr. President, I now move that further consideration of this bill be postponed.

Mr. McCLURE. Mr. President, I second that motion.

The PRESIDENT. The bill is now on the postponed calendar. Is there a seconder to the motion of the Senator from Dauphin, Mr. Reed, that the Senate do now proceed to immediate consideration of the bill?

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. LAW. Mr. President, I second the motion of the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. The motion of the Senator from Philadelphia, Mr. Shapiro, is not in order, because the parliamentary position now is that the bill is on the postponed calendar.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, I call attention to the fact that there was no proper motion before this body.

The PRESIDENT. The Chair has asked if there is a seconder to the motion made by the Senator from Dauphin, Mr. Reed, that the Senate do now proceed to the consideration of the bill.

Mr. SHAPIRO. Mr. President, I say at the time I made my motion there was no second. Therefore, I insist upon my motion that this bill remain upon the postponed calendar.

The PRESIDENT. That was not the motion you made.

Mr. SHAPIRO. Mr. President, then I amend my original motion to the effect that it remain on the postponed calendar.

Mr. McCLURE. Mr. President, I second the motion.

POINT OF ORDER

Mr. REED (Dauphin). Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his point of order.

Mr. REED (Dauphin). Mr. President, my point of order is: I called up the bill, and the Senator from Fayette, Mr. Cavalcante, seconded it.

The PRESIDENT. That motion is in order if the seconder is so recorded.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, I call the attention of the Chair to the fact that at the time I made my motion there was no seconding of the motion of the Senator from Dauphin, Mr. Reed.

The PRESIDENT. The Chair did not recognize the motion as being in keeping with parliamentary usage. The question is on the motion made by the Senator from Dauphin, Mr. Reed, seconded by the Senator from Fayette, Mr. Cavalcante, that we proceed to the consideration of Senate Bill No. 1429, House Bill No. 2853.

On the question,

Will the Senate agree to the motion?

Mr. SORDONI. Mr. President, I would like to draw to the attention of the members of the Senate that there is a definite agreement in connection with this and other taxes, and there seems to be a possibility of a substitution that will be perfectly agreeable to practically everyone on both sides of this House as well as to the incumbent of the Executive Chair. Now, there is no sense, Mr. President, in trying—

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now recess for five minutes.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I would like to amend the motion to read thirty minutes instead of five minutes.

The PRESIDENT. Will the maker of the motion agree to the amendment?

Mr. McCLURE. Mr. President, I agree.

The PRESIDENT. Will the seconder of the motion agree to the amendment?

Mr. HARRIS. Mr. President, I agree.

Mr. BUCKMAN. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the motion as amended?

It was agreed to.

AFTER RECESS

Th PRESIDENT. The time of recess having elapsed, the Senate will be in order.

When the Senate recessed we had under consideration a motion by the Senator from Dauphin, Mr. Reed, seconded by the Senator from Fayette, Mr. Cavalcante, with the Senator from Luzerne, Mr. Sordoni, holding the floor. The Senator from Luzerne, Mr. Sordoni, will proceed.

Mr. SORDONI. Mr. President, I do not like to take issue with the Senator from Dauphin, Mr. Reed, on this or any other question; I think it is just a question of a difference of opinion, and while I respect his opinion very much I would appreciate it a great deal if he would withdraw that motion until a conference of this Senate and the Governor can confer upon it. I do not think that is asking very much; this is a very important piece of legislation; and it has always been my observation that two wrongs do not make one right. We made a mistake in reporting this bill from committee, but voting on this bill at this time, when there is very little to be gained by refusing a compromise, would be a second mistake, and I earnestly request the Senator from Dauphin, Mr. Reed, to withdraw his motion. Later, if this conference with the Governor does not result in an agreement, then I think it would be perfectly proper for the Senator from Dauphin to renew his motion, and for the Senate to agree to it. I make that request to the Senator from Dauphin, Mr. Reed.

Mr. McCLURE. Mr. President, a conference has already been arranged with the Governor, and we are waiting for a time to be fixed. I join with the Senator from Luzrene, Mr. Sordoni, in requesting the Senator

from Dauphin, Mr. Reed to withdraw his motion for the present.

MOTION WITHDRAWN

Mr. REED (Dauphin). Mr. President, in view of the statements made by the Senator from Luzerne. Mr. Sordoni, and the Senator from Delaware, Mr. McClure, if the Senator from Fayette, Mr. Cavalcante, will agree to withdraw the second, I will agree to withdraw the motion. In doing so, however, I want to call attention to the nature of the agreement made, as I understand it, with respect to the check tax and the other ten taxes included in that agreement. It seems to me it was more of an agreement between the Republicans of the Senate and the Democratic Senators and the Governor. It was really a four-party agreement including those three and also the director of the Emergency Relief Administration at Washington, Mr. Hopkins, bcause we were reliably informed that after the agreement had been entered into Mr. Hopkins was informed of that agreement and gave his assent.

I am particularly interested, Mr. President, that there be no question whatever with regard to the attitude of the Administration at Washington. I had hoped that that agreement settled the question for this session, and I hope that the members of the Senate who will go into conference with the Governor will bear that in mind—that there be a clear understanding that by delaying action on the pending bill, the check tax, the arrangement which was entered into with Washington shall not be disturbed.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, agree as seconder to withdraw?

Mr. CAVALCANTE. Mr. President, I am very reluctant in this matter because I have a high regard for the Senator from Dauphin, Mr. Reed, and, personally, I feel just as he does—that an agreement involves a promise, and to me a promise is something of a sacred thing. I regard a promise, whether it is made out of political consideration or any other kind of consideration—a promise when made ought to be kept; a promise to me is a solemn thing, and when this agreement or arrangement, whichever you want to call it, was made on these tax measures we caucused on both sides and it was brought to our attention and we promised to go along, we promised to contribute our vote towards the passage of that program; and I made that promise as a member of the Democratic caucus, and I intend to keep that promise, and I am going to be very reluctant when anything is sought to be done here that would tend to give the other side an opportunity to break away from that same promise. I do not know yet the nature of the withdrawal of the motion by my colleague from Dauphin County. May I interrogate my colleague?

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Dauphin, Mr. Reed, withdraw his motion—that is, in its entirety—from further consideration?

The PRESIDENT. The parliamentary position of the bill was, that it was on the postponed calendar. The withdrawal of the motion leaves it in that position; the motion does not change the position.

Mr. CAVALCANTE. Mr. President, may I explain this: both the Senator from Dauphin, Mr. Reed, and I are fully in accord. Would it be possible for us to lay this motion on the table for the time being?

Mr. REED (Dauphin). Mr. President, I think that would be possible. It might be better, however, to withdraw the motion, as the President has suggested, and then the bill will remain on the postponed Calendar and may be called up at any time.

Mr. CAVALCANTE. Mr. President, I am not worried so much about the bill that is on the Calendar but I am worried about this motion that has been made today; and I am reluctant to withdraw my second and have this motion then completely disposed of, whereas if I can lay it on the table for the time being—

The PRESIDENT. Might the Chair point out that laying the motion on the table does not change the situation at all; you can call it up from the table just as readily as you can call the bill from the Calendar.

Mr. REED (Dauphin). Mr. President, my answer to the Senator from Fayette, Mr. Cavalcante, would be that I would be opposed to any motion which would take this from the postponed calendar other than to call it up for action; and I think that is the Senator's thought.

Mr. CAVALCANTE. Mr. President, that is my idea.

Mr. REED (Dauphin). Mr. President, my purpose in withdrawing the motion was to have the bill retain its present position on the postponed calendar, from which it could be called up by any Senator at any time after the conference with the Governor.

Mr. CAVALCANTE. Mr. President, I shall gladly withdraw my second to the motion.

The PRESIDENT. The Chair accepts the withdrawal of the motion.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 117, entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Frey,	McGinnis,	Salus,
Batchelor,	Gelder,	Norton,	Shapiro,
Baumer,	Graff,	Owlett,	Sordoni,
Bean,	Harris,	Pierson,	Staudenmeier,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Pytko,	(Centre)
Cavalcante,	Howell,	Rankin,	Thompson,
Chapman,	Hunsicker,	Reed,	(Westmoreland)
Clark,	Mallery,	(Dauphin)	Trainer,
Coyne,	McClure,	Rice,	Woodward,
Ealy,	McCreesh,	Roberts,	Ziesenheim,

NAYS—8

Huffman,	Lanius,	Reed,	Rodgers,
Kahle	Law,	(Washington)	Rupp,
			Sones,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 217 (House Bill No. 339), entitled:

An Act to repeal the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-six) entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations companies associations and individuals prescribing the powers of such police authorizing the Governor to investigate their work and require periodical reports from them imposing duties upon the Secretary of the Commonwealth and recorders of deeds and imposing penalties."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 562, entitled:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (P. L. 26) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowing from the Public Works Administration and other Federal agencies

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 18, by striking out the word "projects" after the word "producing" and inserting in lieu thereof the following: "private or public businesses."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 578, entitled:

An Act proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 586 (House Bill No. 252), entitled:

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," abolishing the county poll tax in counties of the second and third class; and eliminating provisions for the assessment and consolidation of poll taxes for voting purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Owlett,	Salus,
Batchelor,	Harris,	Pierson,	Shapiro,
Baumer,	Harvey,	Prince,	Sones,
Bean,	Homsher,	Pytko,	Sordoni,
Bennett,	Huffman,	Rankin,	Staudenmeier,
Buckman,	Hunsicker,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Kahle,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Lanius,	Rice,	Trainer,
Clark,	Mallery,	Roberts,	Woodward,
Coyne,	McClure,	Rodgers,	Ziesenheim,
Ealy,	McCreesh,	Rupp,	
Frey,	McGinnis,		
Gelder,	Norton,		

NAYS—2

Howell,	Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 624, on third reading, entitled:

An Act to prohibit the Commonwealth from purchasing automobile accessories by contract or otherwise from certain manufacturers and from dealers representing certain manufacturers.

be recommitted to the Committee on Judiciary General.

Mr. BUCKMAN. Mr. President, I second the motion.

On the motion,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. McCREESH and Mr. CAVALCANTE and were as follows, viz:

YEAS—31

Batchelor,	Ealy,	Law,	Salus,
Baumer,	Graff,	McClure,	Shapiro,
Bean,	Harris,	Norton,	Sones,
Bennett,	Harvey,	Owlett,	Staudenmeier,
Buckman,	Homsher,	Pierson,	Thompson, (Westmoreland)
Chapman,	Howell,	Pytko,	Woodward,
Clark,	Hunsicker,	Rankin,	Ziesenheim,
Coyne,	Kahle,	Rodgers,	

NAYS—15

Aron,	Mallery,	Reed, (Dauphin)	Rice,
Cavalcante,	McCreesh,	Reed, (Washington)	Rupp,
Frey,	McGinnis,		Thompson, (Centre)
Huffman,	Prince,		Trainer,
Lanius,			

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 646 (House Bill No. 666), as follows:

An Act appropriating the moneys in the State Forests and Waters Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the moneys in the State Forests and Waters Fund from time to time are hereby specifically appropriated to the Department of Forests and Waters for the development of the State forest and park lands and other lands and waters under the jurisdiction of the Department of Forests and Waters and for payment to the Government of the United States of so much of its share of direct profits derived from the sale of land or its products resulting from Emergency Conservation Work Projects as may be required by Federal Law or order

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—1

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 793 (House Bill No. 1088), entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 704) entitled "An act relating to limited power permits and limited water supply permits from the water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permit shall be paid into the State Forests and Waters Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, this is the creation of another special fund. For more than ten years we have tried to limit the creation of special funds, because every special fund is more or less a reflection on the intelligence of the legislative branch of the State Government. The Department of Forests and Waters has never had a special fund, and I do not see why they should have one now; they have gotten along very well so far on the General Fund.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Baumer,	Lanius,	Rice,	Thompson (Centre)
Cavalcante,	McCreesh,	Roberts,	Thompson, (Westmoreland)
Frey,	McGinnis,	Rodgers,	
Huffman,	Pytko,	Rupp,	
Kahle,	Reed (Washington)	Sones,	

NAYS—31

Aron,	Ealy,	Law,	Reed, (Dauphin)
Batchelor,	Gelder,	Mallery,	Salus,
Bean,	Graff,	McClure,	Shapiro,
Bennett,	Harris,	Norton,	Staudenmeier,
Buckman,	Harvey,	Owlett,	Trainer,
Chapman,	Homsher,	Pierson,	Woodward,
Clark,	Howell,	Prince,	Ziesenheim,
Coyne,	Hunsicker,	Rankin,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 829 (House Bill No. 1621), entitled:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (P. L. 66) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
	McGinnis,	Rodgers,	Ziesenheim,

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 838 (House Bill No. 1821), entitled:

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four as amended, section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Odered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 891, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Northampton, Mr. Roberts.

The PRESIDENT. Will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated?

Mr. ROBERTS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I should inform you that we are now about to consider Senate Bill No. 891, which is a bill appropriating $16,612.06 for expenses of the Public Service Commission Investigating Committee. I would like to know how you arrive at $16.612.06 for the Public Service Commission Investigating Committee,—how you arrive at $16,612.06, and for what purpose this fund is to be used.

Mr. ROBERTS. Mr. President, this fund is to be used for the purpose of defraying the expenses of a commission that was appointed at a previous session to investigate the Public Service Commission. An appropriation, I believe, was made at the time and subsequently cut down by the Governor. The result was, different employees of the commission, including clerks and stenographers and investigators and auditors and attorneys failed to receive their salaries or the amounts that were due them; and I, for one, believe that it was an injustice to people who performed meritorious service and labored hard in behalf of the commission in the duties they were instructed to perform. Certainly they are entitled to their pay, when they were in reality employees of the State of Pennsylvania.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Northampton, Mr. Roberts.

The PRESIDENT. Will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated further?

Mr. ROBERTS. Mr. President, yes.

Mr. SHAPIRO. Mr. President, may I be informed as to how this item is made up,—how much attorneys' fees and how much expenses of employees, or whether it is all attorneys' fees?

Mr. ROBERTS. Mr. President, no, it is not all for attorneys. I do not have before me the list, but it covers a large number, quite a number, of employees,—as I said before, clerks, investigators, auditors, public accountants, and so on and so forth; and the work that they performed is still here and capable of use at any time by the Commonwealth for any further investigation that may be made at any future time.

Mr. SHAPIRO. Mr. President, I would like to vote for this bill—if I knew just what the $16,612.06 is for. I am at a loss to understand, and I haven't yet understood—and it is probably no fault of the Senator from Northampton—just where this money is to go; if I were to be informed it was to go to clerks and people who performed manual labor, and to what extent it would go to them, I might be able to vote intelligently on the bill.

Therefore, in order to explain the vote I will make on the bill, which will be "no", I make the statement that I shall vote "no" because I do not believe in paying large sums without knowing what the money is being paid for.

Mr. HARRIS. Mr. President, included in the $16,612.06 would be fees for three very able attorneys. I know the one from Pittsburgh gave up a very good law practice to come to Harrisburg, and spent months of his time here. I know that the compensation he will receive will not compensate him for the time he lost and the splendid service he rendered. That also applies to other people—the gentleman from Northampton and the gentleman from Scranton. I know they are very able attorneys.

Now, the best part of this might be used for fees for these attorneys, but if all of this $16,612.06 were to be given to these three attorneys it would not nearly be compensation for the service they rendered. However, it does include compensation for the clerks, investigators and others, and the fee is very, very reasonable.

Mr. COYNE. Mr. President, there is one item for public accountants from Pittsburgh, who, for six weeks, went over the books of the public utilities. In order to do this they neglected their business back home, yet the bill they sent in was for $4,600. So this one item, I know, the attorneys will not get.

Mr. THOMPSON (Centre). Mr. President, I arise and after wishing to express my thanks to the Senator from Dauphin, Mr. Reed, for his splendid eulogy of the legal profession, I want to call attention of the Senate also to another bill, on page 16 of the Calendar, Senate Bill No. 1535, sponsored by the Senator from Lancaster, Mr. Pierson, "An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission."

I would like to have some information as to what relation these bills have to each other. I should like to interrogate the Senator from Lancaster, Mr. Pierson.

The PRESIDENT. Will the Senator from Lancaster, Mr. Pierson, permit himself to be interrogated?

Mr. PIERSON. Mr. President, I will.

Mr. THOMPSON (Centre). Mr. President, I would like to ask whether this is a companion bill to Senator Roberts' bill—to apply to the payment for the same activity.

Mr. PIERSON. Mr. President, in answer to the Senator from Centre, Mr. Thompson, this is an additional amount to be appropriated for stenographic services rendered the Rial-Earnest Committee.

Mr. THOMPSON (Centre). Mr. President, is this an appropriation to the same committee that the Senator Roberts' bill provides an appropriation for?

Mr. PIERSON. Mr. President, no.

Mr. THOMPSON (Centre). Mr. President, I note that this committee sat in 1931. Is that correct?

Mr. PIERSON. Mr. President, that is correct.

Mr. THOMPSON (Centre). Mr. President, why did the Legislature of 1933 not make any appropriation for this purpose?

Mr. COYNE. Mr. President, for the information of the Senator from Centre, Mr. Thompson, I will state that I was on those committees, and we did pass bills to appropriate this money to pay them off, but Governor Pinchot vetoed them.

Mr. THOMPSON (Centre). Mr. President, what is this money for? Is this just for stenographers and clerks?

Mr. PIERSON. Mr. President, for stenographic services of a long period of time.

Mr. THOMPSON (Centre). Mr. President, what is the amount of them?

Mr. PIERSON. Mr. President, $8,342.00.

Mr. WOODWARD. Mr. President, the situation is becoming clearer and clearer, but I do not understand what becomes of that six cents; nobody understands that.

And the question recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—2

Law, Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 949, entitled:

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the 300th Anniversary of the establishment of the first permanent white settlement the first capital and the first courts of law within the confines of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 972 (House Bill No. 183), entitled:

An Act proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsyyvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Norton,	Rupp,	

NAYS—1

Buckman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1024, as follows:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take trout from licensed propagating ponds used for commercial purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" are hereby amended to read as follows

Section 172 Waters Usable No dams ponds or other devices which will prevent the free migration of fish shall be erected or placed by a person licensed under this article in any stream flowing over his property [No person shall use the ponds so licensed for any purpose other than for commercial fish purposes]

Section 173 Authority Under License The license issued by this article authorizes the licensee to carry on the business of propagation and sale of the species of fish authorized by the license or the eggs thereof during the year for which the license is issued The license authorizes the licensee to catch and kill the fish authorized by the license from the licensed ponds in any manner whatsoever except with explosives or poisonous substances The license further authorizes the licensee to sell or dispose of in any manner whatsoever the fish authorized by the license or the eggs thereof at any time of the year and it authorizes express and railroad companies to receive and transport the same The license further authorizes the licensee to grant permits to others to take trout from a licensed pond used for commercial purposes at any time and in any manner upon the payment of a permit fee of fifty cents to be paid by the permittee and collected by the licensee and by him paid over to the Commonwealth through the Department of Revenue for the use of the Fish Fund Any such permit shall be good only for the day for which it is issued Such permits shall be in such form as the Department of Revenue shall prescribe and may be placed in the possession of licensees for issue to permittees under such system of accounting as the Department of Revenue may prescribe

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HUFFMAN. Mr. President, I ask unanimous consent to amend section 1, page 3, line 8 by adding at the

end of the line after the word "prescribe" the following: "No person issued a permit under this section shall remove any trout from the vicinity of the licensed pond or have the same in his possession unless the permittee shall also have a certificate issued by the owner of the licensed pond certifying the number of trout caught and the date on which the same were caught and such other information as the Board of Fish Commissioners shall prescribe. Any violation of this provision shall subject the offender to the penalties imposed by this act for catching fish out of season, illegally or without a license."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1032, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges, providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1072 (House Bill No. 1725), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with further consideration of the bill be postponed for the present.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. HUFFMAN. Mr. President, I would like to ask the reason for placing the bill on the postponed Calendar.

Mr. SHAPIRO. Mr. President, we have another bill covering this same subject, and if that bill should pass we will not need this special bill.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1099 (House Bill No. 2113) on third reading, entitled:

An Act making appropriation to the Mines and Mining Committee of the House of Representatives for investigation of the Gilberton mine disaster.

be recommitted to the Committee on Appropriations.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1182 (House Bill No. 1035), entitled:

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1200 (House Bill No. 2547), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1206 (House Bill No. 1692), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Salus,
Batchelor,	Harris,	Owlett,	Shapiro,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Washington)	Thompson,
Clark,	Lanius,	Rice,	(Westmoreland)
Coyne,	Mallery,	Roberts,	Trainer,
Ealy,	McClure,	Rodgers,	Woodward,
Frey,	McCreesh,	Rupp,	Ziesenheim,
Gelder,	McGinnis,		

NAYS—2

Law,	Reed, (Dauphin)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideraton of Senate Bill No. 1210 (House Bill No. 2064), entitled·

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring powers upon the Pennsylvania State Police and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1211 (House Bill No. 2066), entitled:

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1217 (House Bill No. 2293), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatement of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1311 (House Bill No. 2139) on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1315, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating

bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and emplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1357, entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1360 (House Bill No. 1972), entitled:

An Act fixing the salary of the district attorney in counties of the seventh class

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1367 (House Bill No. 1605) on third reading, entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation

be recommitted to the Committee on State Government.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1399, entitled:

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to rep-

resentatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation, and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer.
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1438 (House Bill No. 2210), entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revoluntary War and to accept gifts or deeds of historic objects or of land connected therewith

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1449 (House Bill No. 2653), entitled:

An Act granting permission to the Borough of Camp Hill Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1458, entitled:

An Act to amend sections six and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers county commissioners, and such distributors; providing for rewards; imposing costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1475 (House Bill No. 1914), entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsner,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1476 (House Bill No. 1973), entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1481, entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,

Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1484, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes' exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and requiring the Commonwealth to contribute on the same basis in such cases

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1486 (House Bill No. 812), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1496 (House Bill No. 2325), entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

And said bill having been real at length the third time, and agreed to,

On the question,

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1514, entitled:

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 116) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person, not exceeding one hundred dollars per month," by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1526, entitled:

An Act fixing the salary of the clerk to the President of the Senate.

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1532, on third reading, entitled:

An Act to enable city, county, poor, ward, school, borough, and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1534, entitled:

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle and making an appropriation

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—2

Law,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1535, entitled:

An Act making an approprjation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1538, entitled:

An Act authorizing cities of the third class to appropriate moneys out of the general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

And said bill having been real at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 1540, on third reading, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of making preliminary surveys collecting data and reporting on a proposed vehicular tunnel or tunnels under the State Capitol building

be recommitted to the Committee on Appropriations.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. REED (Washington). Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 1028, on final passage postponed for the present, entitled:

An Act to amend section six hundred and twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from subdivision (b) of Article six of that act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. REED (Washington). Mr. President, I move to reconsider the vote by which this bill passed third reading,

The PRESIDENT. How did the Senator vote?

Mr. REED (Washington). Mr. President, I voted "aye".

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye".

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. REED (Washington). Mr. President, I move to amend bill by striking out lines 8 to 29, inclusive, on page 3, and insert in lieu thereof the following: "(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance, endowment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accident and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse, or to gice a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract. The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions, and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner, in accordance with the provisions of Section 409 of an Act approved May 17, 1921 (P. L. 682)."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS INTRODUCED

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, read in place and presented to the Chair Senate Bill No. 1608 entitled:

An Act to amend article fifteen of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by permitting such townships to establish special districts for the construction, operation and maintenance of drains

and sanitary sewers, to assess costs of construction, operation and maintenance upon the properties benefited to issue bonds secured by municipal liens on such properties and to levy and collect taxes for the payment of principal and interest on indebtedness and for the meeting of costs of maintenance and operation from sewer rentals.

Which was committed to the Committee on Municipal Government.

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD offered the following resolution which was twice read:

RESOLUTION URGING CONGRESS TO AMEND SECTION 5219 R. S. U. S. SO AS TO PERMIT STATES TO TAX SHARES OF NATIONAL BANKS UPON AD VALOREM BASIS

In the Senate, April 11, 1935.

Whereas, The several states are prohibited from taxing the property, income or shares of national banks except in the precise method prescribed by Congress (Section 5219 R. S. U. S.); and

Whereas, From 1866 to 1923 the only method by which Congress authorized the states to tax national banks was to tax upon their shares and during such period such shares were taxed by the states at the property rate, upon the same basis as the property of the farmer, merchants, manufacturer and home owner, thereby securing equality of the burden of taxation among all property owners; and

Whereas, Said Federal Statute provided that the rate of such tax should not exceed the rate imposed by the state upon other moneyed capital in the hands of individual citizens of the states invested in notes, bonds, and other evidences of debt (moneys and credits) coming into competition with the business of banking; and

Whereas, Beginning in 1921 and continuing down to the present time there have been rendered various decisions of the United States Supreme Court and other Federal and state courts, constructing the above limitation, the effect of which decisions has been to practically destroy the power of the states to tax the shares of national banks, it being manifestly impossible to classify such investments into those competing and those not competing with the business of national banks. It is also clearly evident that there is no similarity or relationship between shares in a national bank which have a right to share in the profits of a going business arising from the income from all the deposits in the bank as well as the capital invested in shares, and also to share in the income received from other activities of such bank and a debt evidenced by a note or bond, the income from which is limited to the interest provided therein. It is absurd to claim that for purposes of taxation such wholly different types of property should be treated precisely alike; and

Whereas, Although the Federal act in form permits states to tax the net income of banks or to levy a tax measured by or according to such net income, such method is entirely and wholly unjust, inequitable and inadequate. Because, first, when such method is used by a state it is in lieu of all other forms of taxation. Second, any such bank is entirely tax free unless it makes a net profit, whereas all other persons, owners of property, must pay a tax whether they make a profit or loss. This places the national banks in a privileged class and exempts them from paying any share of the public burdens during the period when they do not make a net profit, thus shifting their share of the tax burden upon other property owners. Third, in all the states where the net income, or measured by net income methods have been used, the shrinkage in taxes collected from banks have ranged from 66 1/3% to 90%, as compared to former tax collections under the share tax plan; and

Whereas, Because of the decisions of courts holding void taxes upon the shares of national banks the whole matter of taxing banks, both national and state, has been thrown into great confusion, many of the states have been persuaded to abandon the share method of taxing banks and have either adopted low millage rates of from three to five mills on the dollar of value of such stock, or have adopted the income tax, or measured by income tax methods, with the result that in the past ten years, the total tax of national banks have been reduced from $79,376,000 in 1922 to $48,080,000 in 1932, notwithstanding the fact that during such period the total capital and surplus of such banks increased from $2,356,427,000 to $2,828,408,000, and thus during a period when taxes have increased upon all other forms of property and for all other persons, banks have secured reductions; and

Whereas, In March, 1927, the Supreme Court of the United States held bank taxes in Minnesota to the amount of approximately $1,200,000 void because the rate was higher than the rate on moneys and credits and the legislature at once established the Minnesota Bank Tax Commission for the purpose of obtaining such an amendment to the Federal law as would permit this and other states to tax bank stock upon its value as other property is taxed; said Commission has in all practicable ways endeavored to secure such amendment by enlisting the cooperation of all other states and other taxing officials, by appearing before committees of the Senate and House of Representatives of Congress of the United States, by attending national tax conferences by correspondence with tax officials of all other states and by conferences with them and otherwise; and

Whereas, Through the efforts of the said Commission and the tax officials of other states bills have been introduced at every session of Congress providing for the necessary amendments to said Federal act, and by reason of the lobby maintained by the American Bankers Association, all efforts to obtain such legislation have been unsuccessful. However, in June, 1934, the Banking and Currency Committee of the House of Representatives reported favorably upon a bill introduced by Mr. Steagall, Chairman of said Committee, which bill would grant to the states all the relief required. Said report is an unanswerable argument in favor of restoring to the states the power to tax bank shares upon an equitable basis, the same as they were taxed for nearly 60 years; and

Whereas, Bills identical with the so-called Steagall Bill have been introduced and are now pending in the Congress of the United States, and it is of the utmost importance that all of the states join in the effort to secure the passage thereof; therefore, be it

Resolved (if the House of Representatives concur), by the General Assembly of the Commonwealth of Pennsylvania that the Congress of the United States and the President of the United States are hereby respectfully and earnestly urged to so amend Section 5219 R. S. U. S., that the states may tax the shares of national banks upon the ad valorem basis with no other limitation thereof except that the rate be not greater than the rate imposed upon the shares of state banks; and, be it further

Resolved, That the Secretary of the Commonwealth is authorized and directed to send copies of this resolution to the President of the United States, Vice President of the United States, Speaker of the House of Represntativs of the United States, and to each member of the House of Representatives from the Commonwealth of Pennsylvania; also to send a duly authenticated copy hereof to the presiding officer of each House of the Legislature of all the states in the Union, and to the chairman of the tax committees of each House thereof.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objections. The

resolution is referred to the Committee on Federal Relations.

REPORTS FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 467, entitled:

An Act making an appropriation to the General Hospital East Stroudsburg, Monroe County, Pennsylvania.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on State Government reported as amended, Senate Bill No 977 (House Bill No. 1005), entitled:

An Act requiring tax collectors of townships of the first class to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, township or school district in the Commonwealth of Pennsylvania.

Also from the Committee on Aeronautics reported as committed, Senate Bill No. 1583, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Revenue, to sell at public sale for the best price obtainable tracts of land acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields; and providing for the disposition of the purchase price received for said lands.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1482, entitled:

An Act to amend section 1302 of the act approved the fourth day of May, one thousand, nine hundred, twenty-seven (P. L. 519), entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

Also from the Committee on Municipal Government reported as amended, Senate Bill No. 1195 (House Bill No. 2332), entitled:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1179 (House Bill No. 290), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

Also from the Committee on Municipal Government reported as amended, Senate Bill No. 1401 (House Bill No. 9), entitled:

An Act to amend clause 1 of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," authorizing townships to light the streets, highways and public places, and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax.

Also from the Committee on Municipal Government reported as amended, Senate Bill No. 1068 (House Bill No. 1568), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough fiscal records to be open to inspection.

Also reported from the Committee on Municipal Government reported as amended, Senate Bill No. 859 (House Bill No. 1567), entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidatng the law relating thereto" by requiring city fiscal records to be open to inspection.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1227 (House Bill No. 2051), entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representattives as follows:

House Bill No. 2436 (Senate Bill No. 1609), entitled:

An Act to re-enact and amend the titlie and the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled "Malt Liquor License Law," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of manufactures of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

Which was committed to the Committee on Finance.

House Bill No. 2437 (Senate Bill No. 1610), entitled:

An Act to re-enact and amend the title and the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three, (1933-1934 P. L. 15), entitled "Pennsylvania Liquor Control Act," by extending the provisions of said act to the manufacture and possession of alcoholic beverages; permitting licenses to sell for consumption off premises; providing for the revocation and supension of licenses by the board; further regulating the manufacture, sale and traffic in alcoholic beverages; and prescribing penalties.

Which was committed to the Committee on Finance.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 31 entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates affidavits from candidates for additional offices.

Senate Bill No. 900 entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

House Bill No. 329 entitled:

An Act to amend sections seven hundred four and seven hundred twenty-five of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "Game Law," as amended; making it unlawful to throw or cast the rays of any headlight, spotlight or other artificial light upon a deer, bear or elk.

House Bill No. 540 entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July, one thousand eight hundred and thirty-nine (P. L. 559), entitled "An act to provide for the election of prothonotaries, clerks, recorders and registers"; so far as the same relates to Cumberland County.

House Bill No. 775 entitled:

An Act relating to the sale, delivery, weighing and importation of manure for mushroom growing; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act.

House Bill No. 953 entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

House Bill No. 2249, entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April, one thousand eight hundred fifty-five (P. L. 328) entitled "An act relating to Corporations and to Estates held for Corporate, Religious and Charitable uses," by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed, devised or conveyed for the use of any church, congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

House Bill No. 2488, entitled:

An Act to amend the act, approved the fteenth day of May, one thousand nine hundred and thirty-three (P. L. 624) entitled "Banking Code" as amended, by further

providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

House Bill No. 1383, entitled:

An Act to amend section two hundred and twenty-seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "General County Law," by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 105.

APPROVAL OF RESOLUTION AUTHORIZING GOVERNOR TO DESIGNATE JUNE 14TH AS FLAG DAY.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 105, Printer's No. 5, entitled, "An Act Empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith."

Resolution of the Senate and House of Representatives authorizing the Governor, by proclamation, to designate June 14th of each year as Flag Day, etc.

GEORGE H. EARLE.

REQUEST FOR PERMISSION TO THE BANKING COMMITTEE TO HOLD MEETING WHILE SENATE IS IN SESSION.

Mr. SORDONI. Mr. President, I would like to have permission granted to the Committee on Banking to have a meeting while the Senate is in session.

Th PRESIDENT. Is there objection? The Chair hears none.

Permission is granted.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 156, as follows:

An Act making an appropriation to the Department of Military Affairs for the purchase of land and the construction and equipment of an armory and headquarters for Troop C One Hundred and Fourth Pennsylvania Cavalry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the purchase of land and the construction and equipment of an armory and headquarters for Troop C One Hundred and Fourth Pennsylvania Cavalry to be located near Hollidaysburg Pennsylvania Such lands shall be purchased and such armory and headquarters constructed and equipped in accordance with the provisions of the Administrative Code

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 224, as follows:

An Act making an appropriation to the Mount Sinai Hospital of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and ninety thousand dollars ($190,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Mount Sinai Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 253 (House Bill No. 434), entitled:

An Act validating adoptions in courts of record of the Commonwealth

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 273, on second reading, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption providing protection of water supply providing for the jurisdiction of courts and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 284, as follows:

An Act for the acquisition of property by the Commonwealth east of the Soldiers' and Sailors' Memorial Bridge in the City of Harrisburg and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to provide work for unemployed persons the Department of Property and Supplies is hereby directed to acquire in the name of the Commonwealth with the approval of the Governor by purchase or the exercise of the right of eminent domain in the manner prescribed by the Administrative Code of one thousand nine hundred and twenty-nine all lands and buildings within the following described boundaries to provide an open area for a dignified approach to the eastern end of the Soldiers' and Sailors' Memorial Bridge said property to be as follows

Property fronting on both sides of State Street in the City of Harrisburg to the depth of one hundred feet north and south of the State Street line and between Thirteenth and Fourteenth Streets Provided however That no property shall actually be taken by the Department until the City of Harrisburg shall by proper municipal action release to the Commonwealth any claim which it might have by reason of any action taken under the authority of this act and shall file the said release with a certified copy of the proceedings under which it was given with the Department of Property and Supplies Provided further That before any such property shall actually be taken the Department of Property and Supplies with the approval of the Governor shall agree with the City of Harrisburg as to the widening and improvement of the streets in and bordering on said area to be acquired

Section 2 The Department of Property and Supplies shall proceed as rapidly as possible to demolish the buildings acquired within the above described area and proceed to grade and terrace the lands within said area

Section 3 When any liens exist upon any estate or interest so acquired the same shall be paid and satisfied out of the purchase money or damages In case said purchase money or damages shall be insufficient to pay said liens or any dispute shall arise as to the validity of any such liens or the amount due thereon the Department of Property and Supplies shall present a petition to the Court of Common Pleas of Dauphin County for permission to pay the amount due on such acquisition into court and after proper order of court shall pay the amount of such purchase money or damages into said court to be distributed among the parties entitled thereto in the same manner as moneys paid into court upon sheriffs' sales are distributed Upon such payment into court of such purchase money or damages said liens shall be extinguished and the court shall direct satisfaction of said liens to be entered of record

Section 4 The Department of Property and Supplies shall cause to be kept a full fair and accurate record of all its proceedings properly indexed and open to the inspection of the public Copies of all records documents and papers when duly certified by the Department shall be received in evidence in the courts of this Commonwealth in all cases where the original records documents and papers would be admitted in evidence Provided however That in any judicial controversy before any court either party may have the original records documents or papers produced on the service of proper process for that purpose

Section 5 The sum of three hundred thousand dollars ($300,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for carrying on the work of the Department authorized under this act and for the payment of lands and buildings acquired Provided That any moneys granted to the Commonwealth by the Federal Government or any agency thereof to assist in the construction of public works for the purpose of aiding national economic recovery may be used for any of the purposes provided for in this act to the extent allowed by Federal law and for such purposes are hereby appropriated to the Department of Property and Supplies

Section 6 This act shall take effect on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 316 (House Bill No. 219), entitled:

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 343, as follows:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" is hereby amended to read as follows

Section 38 The sheriff or other officeh serving any writ of summons shall in all cases state in his return the time both the day and the hour the place and manner in which the service was made which statement shall include the name of the individual on whom the service was made if other than the defendant personally and the relationship which such person bears to the defendant

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 366, as follows:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at The Dixmont Hospital Dixmont Allegheny County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand ($40,000.00) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of the cost of purchasing and installing a sprinkler system for the prevention or control of fire at The Dixmont Hospital Dixmont Allegheny County

Section 2 The sum of thirty-three thousand ($33,000.00) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of the cost of purchasing constructing installing and completing a new steam boiler at said The Dixmont Hospital Dixmont Allegheny County

Section 3 The sum of one thousand five hundred ($1,500.00) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of the cost of purchasing equipping and installing a new feed water pump at said The Dixmont Hospital Dixmont Allegheny County

Section 4 The sum of ten thousand ($10,000) dollars or so much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for the payment of the cost of repairing the roofs of existing buildings at said The Dixmont Hospital Dixmont Allegheny County

Section 5 The amounts appropriated in the foregoing sections of this act shall be available to pay the entire cost of the foresaid additions and additional facilities repairs and improvements including the cost of such plans specifications advertising for bids supervision and architectual and engineering services as may be necessary in connection therewith

Section 6 The amount of the foregoing appropriations to be expended for any of the purposes aforesaid shall be determined with the approval of the Governor by the Department of Welfare

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 375, as follows:

An Act making an appropriation to the Christian H Buhl Hospital Sharon Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty-five thousand dollars ($45,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Christian H Buhl Hospital Sharon Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

Section 2 This act shall not be construed to permit payments to be made by the Department of Welfare to any denominational or sectarian institution

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 639, as follows:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" which was amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 759) is hereby further amended to read as follows

Section 75 That every person convicted of the crime of murder of the first degree shall be sentenced to suffer death in the manner provided by law or to undergo imprisonment for life at the discretion of the jury trying the case which shall fix the penalty by (its) a separate verdict which shall be rendered by the jury after the rendition of its verdict convicting such person of murder of the first degree but before the jury shall be permitted to separate In all such cases it shall be lawful for the court to receive after the rendition and recording of a verdict of murder of the first degree such further and additional evidence offered by either the Commonwealth or the defendant and not admissible upon the question of guilt as may be relevant or material to the question of the penalty to be fixed by the jury as aforesaid The Court shall impose the sentence so fixed as in other cases In cases of pleas of guilty the court where it determines the crime to be murder of the first degree shall at its discretion impose sentence of death or imprisonment for life It shall be the duty of the clerk of the court wherein such conviction takes place and he is hereby required within ten days after such sentence of death to transmit a full and complete record of the trial and conviction to the Governor of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 732, as follows:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of an act approved the thirtieth day of May one thousand eight hundred ninety-three (Pamphlet Laws one hundred eighty-three) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by the act approved the twenty-third day of June one thousand nine hundred seventeen (Pamphlet Laws six hundred

forty) entitled "An act to amend section one of an act approved the thirtieth day of May one thousand eight hundred ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission which reads as follows

"That for the purpose of perpetuating and preserving the site on which the Continental Army under General George Washington was encamped in winter quarters at Valley Forge during the winter of one thousand seven hundred and seventy-eight the title to and ownership in the ground covering said site including Forts Washington and Huntingdon and the entrenchments adjacent thereto and adjoining grounds in all not exceeding fifteen hundred acres the location and boundaries thereof to be fixed by the Commissioners of Valley Forge Park shall be vested in the State of Pennsylvania to be laid out preserved and maintained forever as a public place or park by the name of Valley Forge so that the same and the fortifications thereon may be maintained as nearly as possible in their original condition as a military camp and may be preserved for the enjoyment of the people of said State" is further amended to read as follows

That for the purpose of perpetuating and preserving the site on which the Continental Army under General George Washington was encamped in winter quarters at Valley Forge during the winter of one thousand seven hundred seventy-seven and one thousand seven hundred and seventy-eight the title to and ownership in and ground covering said site including Forts Washington and Huntingdon and the netrenchments adjacent thereto and adjoining grounds on both sides of the Schuylkill River in all not exceeding five thousand acres the location and boundaries thereof to be fixed by the Commissioners of Valley Forge Park shall be vested in the State of Pennsylvania to be laid out preserved and maintained forever as a public place or park by the name of Valley Forge so that the same and the fortifications thereon may be maintained as nearly as possible in their original condition as a military camp and may be preserved for the enjoyment of the people of the said State

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 826 (House Bill No. 1278), entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 827 (House Bill No. 1279), entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 896, on second reading, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking; by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by providing for the creation of the Banking Board, the appointment of its members, the payment of its expenses, and defining its powers and duties.

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 912 (House Bill No. 1588), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 913 (House Bill No. 1589), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 914 (House Bill No. 1590), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 915 (House Bill No. 1592), entitled:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 916 (House Bill No. 1596), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 917 (House Bill No. 1597), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 918 (House Bill No. 1599), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 919 (House Bill No. 1606), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 920 (House Bill No. 1607), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of costs incurred by that department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 926 (House Bill No. 1879), entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 962, as follows:

An Act making an appropriation to the Hospital of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and ninety-nine thousand dollars ($199,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Hospital of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the pur-

pose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

An said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 962, the bill just read, be recommitted to the Committee on Appropriations.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 964, as follows:

An Act making an appropriation to the Graduate Hospital of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and sixteen thousand dollars ($216,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Graduate Hospital of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per copita in the public ward of such hospital

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 964, the bill just read, be recommitted to the Committee on Appropriations.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1051 (House Bill No. 979), on second reading, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

is not up from the printer and will wo over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1147, as follows:

An Act to amend sub-heading (a) of Article XXXII of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the collection of taxes by assumpsit.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sub-heading (a) of Article XXXII of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

(a) Municipal Claims and Taxes

Section 3201 Collection of Municipal Claims and Taxes Boroughs may proceed for the recovery of municipal claims and taxes or both by lien or by action of assumpsit [and jurisdiction] Jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars In all proceedings for the recovery of municipal claims or taxes or both before a justice of the peace or in a court of record an attorney's commission of five per centum may be included not to exceed twenty dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1172, as follows:

Making an appropriation to the Trustees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of Forty-two Thousand Dollars ($42,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five (1935) for the establishment of a Department of Nursing Education in the School of Education of the University and the Institution therein of courses of instruc-

tion leading to degrees in nursing education and the purchase of such apparatus and equipment as the Trustees may deem necessary for the purposes of this act.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1290, on second reading, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the scoond reading and consideration of Senate Bill No. 1323 (House Bill No. 292), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1328 (House Bill No. 1595), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all expended balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its session of one thousand nine hundred and twenty-seven or at any session prior thereto which shall remain unexpended on the effective date of this act shall lapse on that date

Section 2 All unexpended and unencumbered balances of appropriations made from the General Fund of the State Treasury by the General Assembly at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one which shall remain unexpended and unencumbered on the effective date of this act shall lapse on that date Provided however That nothing herein contained shall be construed to lapse any appropriation made under the provisions of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" and the amendment thereto of April twenty-fourth one thousand nine hundred and thirty-one (Appropriation Acts page eight)

Provided further however that nothing contained herein shall be construed to lapse any appropriation made under the provisions of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred fifty-two) entitled "An act providing for the joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration operation and maintenance of bridges over the Delaware River and for the construction of additional bridge facilities across said River authorizing the Governor for these purposes to enter into an agreement with the State of New Jersey creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River and making an appropriation and the amendment thereto of May eighteenth one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-seven)

And provided further that the remaining balance May thirty-first one thousand nine hundred thirty-five of the appropriation approved the thirteenth day of June one thousand nine hundred thirty-one (Appropriation Acts page seventy-seven) "for the acquisition of land the erection and construction of new buildings and for additions and alterations to improvement or replacement of existing buildings for State Normal Schools State Teachers Colleges Cheyney Training School for Teachers" shall not lapse but shall be available for the construction of a filter and for the insurance of a safe and adequate water supply for the State Teachers College at Mansfield

Section 3 This act shall be effective upon the date of its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1329 (House Bill No. 1896, as follows:

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two million seven hundred thousand dollars ($2,700,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals for and during the two years beginning June first one thousand nine hundred and thirty-five and to pay for the deficiency in the care treatment removal and maintenance of the indigent insane prior to June first one thousand nine hundred and thirty-five

No warrant shall be drawn on this appropriation until the directors trustees or managers of such hospitals shall have made on oath or affirmation to the Department a

monthly or quarterly report as may be required by the Secretary of Welfare setting forth the actual total number of weeks of service rendered to indigent insane patients in such hospitals respectively during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly reports of the cost of such care and treatment contains no charge except for "care treatment removal and maintenance" which words as used in this act shall be construed to mean medical and surgical treatment nursing food and clothing

Section 2 It shall be the duty of the directors trustees or managers of such hospitals to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-five setting forth the name of each and every indigent insane patient resident in such hospitals respectively on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or poor district from which such patient was admitted

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors trustees or managers of such hospitals shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent insane patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or poor district from which such patient was committed Such report shall also contain the name of each indigent insane patient removed from such hospitals by death discharge or parole together with the identification number of such patient the date of removal and the county or poor district from which such patient was committed

Section 3 In addition to the appropriation made by section one of this act the sum of eight hundred fourteen thousand seven hundred seventy-nine dollars and seventeen cents ($814,779.17) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in section one of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to the department for these purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payment from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1422 (House Bill No. 2661), as follows:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax for a limited period of time clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay [one mill] two mills additional on each dollar of the whole volume gross of business transacted annually Provided that the rate of two mills herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty six and one thousand nine hundred and thirty seven and shall thereafter revert to the rate of one mill Each wholesale vender of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay [one-half] one mill additional on each dollar of the whole volume gross of business transacted annually Provided that the rate of one mill herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty six and one thousand nine hundred and thirty seven and shall thereafter revert to the rate of one-half mill Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of wholesale venders or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products or retail venders or retail dealers engaged in compounding and dispensing medicines on prescriptions of physicians but every wholesale venter or wholesale dealer so engaged and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to the processing and curing of meats their products and by-products or the compounding and dispensing of medicines on prescriptions by physicians as the case may be it being the object of this proviso to relieve from the mercantile license tax only so much of the whole volume gross of business transacted annually by wholesale venders or dealers as is realized from [the processing and curing of meats their products and by-products and so much as is realized from the compounding and dispensing of medicines on prescriptions of physicians by retail venders or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold

Section 2 That section two of said act is hereby amended to read as follows

Section 2 [And it is provided that all] All persons who shall sell goods wares or merchandise to dealers in or venders of such goods wares and merchandise [and to no other person or persons] which dealers or venders resell such goods wares or merchandise in their original or any other form shall be taken under the provisions of this act to be wholesalers and all other venders of or dealers in goods wares and merchandise shall be retailers and shall pay an annual license tax as provided in this act for retailers

Section 3 That section six of said act as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile ap-

praiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the merchantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall hear all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the Mercantile appraiser board of appraisers or the court the Mercantile appraiser and county treasurer who are required to hear him on the day so fixed for the appeal if the vender or dealer is still dissatisfied with the finding of the county treasurer and mercantile appraiser or board of appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser shall have the right of appeal to and shall not thereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of appraisers or the court of common pleas on appeal as aforesaid

Section 4 The following acts is hereby specifically repealed

The act approved the ninth day of April one thousand eight hundred and seventy (Pamphlet Laws fifty-nine) entitled "A supplement to an act entitled 'An act to provide for the reduction of the public debt' approved the twenty-second day of April Anno Domini one thousand eight hundred and forty-six"

Section 5 All other acts and parts of acts inconsistent with this act are repealed

Section 6 This act shall become effective immediately upon its final enactment and shall apply to all licenses applied for and procured on or after the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1448 (House Bill No. 2586), as follows:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the period of redemption to five years where land has been or is hereafter purchased by the county

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authoriing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" are hereby amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible No such sale shall discharge the lien of any mortgage which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages ground rents municipal claims and/or other taxes and no such sale shall discharge the lien of any ground rent municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said real estate for the benefit of the owner thereof at any time within five years after such sale if such real estate has been purchased by the county otherwise within two years after such sale by the payment to the county treasurer of the full amount which the purchaser paid to said treasurer for taxes interest and costs and twenty-five per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated land were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate

may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 15 If any owner his heirs or legal representatives or any lien creditor his heirs assigns or legal representatives or other person interested shall within five years after the day such sale was made if such real estate has been purchased by the county otherwise within two years after the day such sale was made redeem such real estate for the benefit of the owner by payment of the taxes and interest for which the lands were sold and the costs with an additional sum of twenty-five per centum and any taxes which may have been levied against any such property since the treasurer's sale and which remain unpaid by the owner or redeemer to the county treasurer he shall receive and receipt for the same and pay said taxes interest costs and additional percentage over to the purchaser upon demand and the accrued taxes to the district entitled thereto and the county treasurer shall forthwith acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed as the same is entered and recorded in the prothonotary's office as aforesaid and if said deed has been recorded in the office for recording of deeds cause an entry to be made on the margin of the record of the deed in the office of the recorder of deeds by marking thereon the word "redeemed" which shall be signed by the county treasurer and attested by the recorder of deeds and thereafter said deed shall be void and of no effect If such deed be not recorded then such owner or person intrested as aforesaid shall be entitled to have the treasurer's deed delivered to such owner creditor heir assign legal representative or persons interested for cancellation The county treasurer shall certify all such redemptions to the boards of county commissioners who shall enter the same on the Tax Return Docket and who shall certify such redemptions to the county assessors so that the property may thereafter be assessed in the name of the owner

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate For the next [two] five years following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption shall remain in the real owner of such lands or other persons interested for [two] five years after sale to the county commissioners and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

Section 2 The provisions of these amendments shall be applicable in any case where lands have heretofore been purchased by a county and have not been sold by the county

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1483, as follows:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the auhority of the same That section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" be amended to read as follows

Section 1110 Fines to Be Forwarded to Secretary All fines recovered in cases where the prosecutor is a salaried officer of the Commonwealth shall be immediately surrendered by the court receiving the same to the prosecutor who in turn as soon as may be shall forward or deliver such fines and penalties to the Secretary Where any officer of the Commonwealth other than a salaried officer is the prosecutor the fines and penalties shall as soon as the case is fully determined before him be forwarded by such magistrate alderman or justice of the peace to the secretary at Harrisburg together with a statement of the cause for which such fines were collected—the cost of which statement is hereby fixed at fifty cents and made a part of the costs of prosecution All fines received by the secretary shall be paid into the State Treasury monthly by and through the Department of Revenue for the use of the game fund

Sworn statements of all fines and penalties so collected and all bail forfeited shall also be made by the magistrate alderman or justice of the peace imposing or receiving the same to the secretary upon forms furnished by the Department of Revenue such reports shall be made monthly not later than the tenth day of the following month

Any magistrate alderman or justice of the peace who shall fail to make such monthly reports and returns or either of them shall be guilty of a misdemeanor in office and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of one hundred dollars ($100.00) and costs of prosecution or under imprisonment for not more than sixty days or suffer both such fine and imprisonment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1518, as follows:

An Act to amend section one of the act approved the twenty-third day of April one thousand nine hundred and nine (Pamphlet Laws one hundred fifty-nine) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section one of the act approved the twenty-third day of April one thousand nine hundred and nine (Pamphlet Laws one hundred fifty-nine) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that if any person shall buy have or receive within the limits of the Commonwealth of Pennsylvania any goods chattels moneys or securities or any other matter or thing which shall have been stolen or feloniously taken either in the Commonwealth of Pennsylvania or in any other State or country knowing or having reasonable cause to know the same to have been stolen or feloniously taken such person shall be guilty of felony and on conviction suffer the like pains and penalties which are by law imposed upon the person who shall have actually stolen or feloniously carried away the same within the limits of this Commonwealth

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1542, as follows:

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Eye and Ear Hospital of Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day or part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1584, as follows:

An Act authorizing the State Treasurer with the approval of the Governor to transfer money from the Motor License Fund to the General Fund and providing for the subsequent transfer from the General Fund to the Motor License Fund at the discretion of the Governor of the transferred moneys and making appropriations necessary to carry this act into effect

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the State Treasurer is hereby authorized and directed with the approval of the Governor from time to time during the first year of the fiscal biennium beginning June first one thousand nine hundred and thirty-five to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of twenty-three million five hundred thousand dollars ($23,500,000) as may be required to pay (a) deficiencies to educational institutions and State-aided hospitals and homes for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-five which deficiencies have been reappropriated to such institutions hospitals and homes payable during the fiscal biennium beginning June first one thousand nine hundred and thirty-five (b) assistance to the aged and blind during the fiscal year beginning June first one thousand nine hundred and thirty-five and (c) as may be required to pay interest and sinking fund charges on indebtedness of the Commonwealth incurred for other than highway and bridge purposes Transfers shall be made hereunder upon requisition of the Governor by warrant of the Auditor General

Section 2 In order to reimburse the Motor License Fund an amount equal to that transferred under section one of this act shall be transferred from the General Fund to the Motor License Fund during the fiscal year beginning June first one thousand nine hundred and thirty-six Such transfers shall be made at the discretion of the Governor on requisition of the Governor by warrant of the Auditor General

Section 3 A copy of each requisition drawn under the provisions of this act shall be furnished to the Secretary of Highways

Section 4 Any moneys in the Motor License Fund and in the General Fund are hereby appropriated for the purpose of making the transfers provided for by this act

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1585, as follows:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws six) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws six) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1586, as follows:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws seven) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws seven) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1587, as follows:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred dred and thirty-four (Pamphlet Laws eight) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws eight) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 3 The amounts transferred under this act from the State School Fund to the General Fund shall be repaid to the State School Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1588, on second reading entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 7) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

be recommitted to the Committee on Finance for further study.

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McCLURE. Mr. President, Senate Bill 1588 is no different in character from the other bill extending the time for repaying the amount transferred. This particular bill refers to the transfer from the Fire Insurance Tax Fund. It should not be recommitted at this time. It is my hope that this bill will remain on the calendar and go on third reading tomorrow, when greater consideration can be given to it than at the present time.

Mr. REED (Dauphin). Mr. President, this bill is a very important bill, involving as it does, in my opinion, the integrity of the Fire Insurance Tax Fund, and I hope that this bill will be recommitted.

Mr. THOMPSON (Centre). Mr. President, I would like to add my voice to the voice of the Senator from Dauphin, Mr. Reed, on behalf of the recommittment of this bill. The volunteer fire companies all over the State are now handicapped in their payments of compensation to indigent firemen on account of the failure of these funds to be remitted to them by the State, and I cannot too strongly urge upon this Senate the recommittment of this particular bill.

Mr. McCLURE. Mr. President, these bills only extend the time when the money is to be returned. That does not necessarily mean that any money will be transferred from those funds, but it does extend the time for the return at the end of this biennium, which gives the Administration more leeway in meeting this particular situation at the present time.

Mr. ROBERTS. Mr. President, in answer to the Senator from Delaware, I want to say that earlier in this Session there was an effort made, in fact it was consummated, to transfer money from this fund. At the time I believe the hospitals were sorely in need of money, and also for the old-age pension. The firemen at the time were adverse to having the moneys taken from their Fund, because they said, and justly so, that the moneys in that fund were likewise being used for the relief of destitute families and indigent firemen, but yet they were willing, after a conference, that the fund be transferred, because they had assurance from different members of the Senate that the moneys would be returned to them later in the year; and now, if we are going to further extend the time in which these moneys are going to be returned to them, we are not keeping faith with the firemen, and I certainly believe we should not postpone the day of raising money to properly take care of our finances and without going to the extreme of further robbing the funds of the firemen.

Mr. STAUDENMEIER. Mr. President, I would like to interrogate the Senator from Delaware, Mr. McClure.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I desire to ask the Senator from Delaware, Mr. McClure, whether he, or any other member of the Finance Committee, has com-

municated with the officers of the Volunteer Firemens' Relief Fund in regard to this bill?

Mr. McCLURE. Mr. President, the officers of the volunteer firemen came to me today and said that they were opposed to the extension of the time for the repayment of the funds that had been transferred.

Mr. STAUDENMEIER. Mr. President, I desire to ask the Senator from Delaware, McClure, whether it is not true that at the time this transfer was about to be made, together with a group of other transfers, I think it was the Senator from Northampton, Mr. Roberts, who stated that the officers of the Firemen's Relief Fund were willing that this transfer should be made, provided the fund would be repaid at the time stipulated in that transfer.

Mr. McCLURE. Mr. President, I do not know of any arrangement having been made with the volunteer firemen.

Mr. STAUDENMEIER. Mr. President and members of the Senate, I remember distinctly that when this transfer was about to be made, of taking the floor, I think in answer to the Senator from Philadelphia, Mr. Woodward, and subsequently to the few remarks that were made at that time, the Senator from Northampton, Mr. Roberts, stated here on the floor that he had communicated with the officers of the State Firemen's Relief Fund and that they agreed that the transfer should be made provided the money be repaid or re-transferred on a particular date. Now, from my understanding of this bill that is now on the calendar on second reading, it seeks to extend that date, and I believe it certainly would be breaking faith if we now, in view of the statement by the Senator from Delaware, Mr. McClure, that the officers have told him that they were opposed to a further extension of that date. We took the fund at that time, after the agreement had been made that the money would be re-transferred to the Volunteer Firemen's Fund on a particular date. Now, if we want to extend that date without their consent in my opinion, that is a breach of faith, and establishing a bad precedent. I hope that the members will vote to recommit this bill.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED (Dauphin) and Mr. THOMPSON (Centre), and were as follows, viz:

YEAS—29

Baumer,	Kahle,	Rankin,	Rupp,
Bean,	Lanius,	Reed,	Sones,
Bennett,	Law,	(Dauphin)	Staudenmeier,
Cavalcante,	McCreesh,	Reed,	Thompson,
Frey,	McGinnis,	(Washington)	(Centre)
Graff,	Miller,	Rice,	Thompson,
Harris,	Norton,	Roberts,	(Westmoreland)
Harvey,	Pytko,	Rodgers,	Ziesenheim,
Huffman,			

NAYS—16

Aron,	Clark,	Homsher,	McClure,
Batchelor,	Coyne,	Howell,	Owlett,
Buckman,	Ealy,	Hunsicker,	Pierson,
Chapman,	Gelder,	Mallery,	Sordoni,

So the question was determined in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1589, as follows:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (Appropriation Acts Act Number one-A) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (Appropriation Acts Act Number one-A) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1590, as follows:

An Act to amend section two of the act approved the twelfth day of March one thousand nine hundred and thirty-five (Appropriation Acts Act Number five-A) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section two of the act approved the twelfth day of March one thousand nine hundred and thirty-five (Appropriations Acts Act Number five-A) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Fire Insurance Tax Fund to the General Fund shall be repaid to the Fire Insurance Tax Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1591, as follows:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred and [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1592, as follows:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the State Stores Fund to the General Fund shall be repaid to the State Stores Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred and [thirty-five] thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1593, as follows:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred and [thirty-five] thirty-seven

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1594, as follows:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 10-A entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund to the transferred money" by extending the time for the return of the transferred money

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act No. 10-A entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred and [thirty-five] thirty-seven

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1595, as follows:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" is hereby amended to read as follows

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than [December] May thirty-first one thousand nine hundred [thirty-five] thirty-seven

And said bil having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1598, as follows:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available

Whereas under the Constitution and the laws of this Commonwealth the State Treasurer may not pay out any moneys unless they be specifically appropriated by Act of the General Assembly and

Whereas the laws of this Commonwealth provide that State officers and employes shall be paid semi-monthly on the first and fifteenth days of each month

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That the sum of seven hundred thousand dollars ($700,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the State Treasurer of the Commonwealth of Pennsylvania for the purpose of paying the salaries of the officers and employes of the executive and legislative branches of the State government in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as moneys appropriated by the General Appropriation Act of one thousand nine hundred thirty-five may become available for such purposes

Section 2 Payments out of the appropriation of this act shall be made by the State Treasurer upon requisitions by the several departments board commissions or officers in the same manner as payments of salaries are ordinarily made

Section 3 All amounts paid by the State Treasurer in accordance with this act shall be charged against the appropriations made for the salaries of the officers and employes of the executive and legislative departments in the General Appropriation Act of one thousand nine hundred thirty-five

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1601, as follows:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "corporation" as used in this act shall be construed to include a corporation joint-stock association limited partnership company bank bank and trust company trust company title insurance company title insurance and trust company national banking association insurance company insurance association insurance exchange and a political subdivision of the Commonwealth

Section 2 Any corporation which is liable to the payment of taxes or required to deduct taxes and pay over the same under the provision of any law imposing (a) a tax on the capital stock or a franchise tax on the taxable value of the capital stock of corporations (b) a tax on gross receipts derived from business done wholly within this State by public utility corporations (c) a tax on indebtedness issued assumed or on which interest is paid by corporations (d) a tax on shares of stock of banks and title insurance and trust companies or (e) a tax on gross premiums derived from insurance business in this Commonwealth shall have authority to pay such taxes or any portion thereof into the State Treasury in advance of the due date thereof and upon such advance payment to be entitled to receive a discount of four per centtum (4%) on the amount of tax so paid

Section 3 Such advance payment less a discount of four per centum (4%) may be made on any tax to become due and payable on any report or reports to be filed during the calendar year one thousand nine hundred thirty-six for the calendar year one thousand nine hundred thirty-five or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-five except in the case of taxes on gross receipts from public utility business in which case such advance payment may be made on reports to be filed on or before August first one thousand nine hundred thirty-six and February first one thousand nine hundred thirty-seven for the preceding six months ending June thirtieth one thousand nine hundred thirty-six and December thirty-first one thousand nine hundred thirty-six respectively

Section 4 In order to receive the benefits of this act any corporation may estimate the amount of the tax on any portion thereof which it deems it will become liable to pay under the provision of any revenue act referred to in section two of this act on reports referred to in section three of this act file such estimate with the Department of Revenue and concurrently therewith pay into the State Treasury through the Department of Revenue on or before December fifteenth one thousand nine hundred thirty-five the amount of tax or any portion to which it agrees it will become liable less the discount of four per centum (4%) allowed by this act Such estimates shall be made on forms prepared and furnished by the Department of Revenue Upon the receipt of any such advance payment of tax less discount the Department of Revenue shall establish a credit on its books with respect to the proper tax and the proper report to be thereafter filed in favor of the corporation paying the same to the amount paid on account and without the deduction of the discount allowed In the adjustment and settlement of the tax accounts of the corporation on future reports filed proper credits shall be allowed on each tax on which an advance payment has so been made The department shall issue its receipt evidencing payment on account of taxes under the provisions of this act which shall show the amount of tax paid in advance the discount allowed and the total credit established on the books of the department

Section 5 In a case where any corporation paying taxes in advance under the provisions of this act shall pay an amount for any tax period in excess of the amount thereafter found to be legally due the Department of Revenue or the Board of Finance and Revenue as the case may be shall establish a credit for such over-payment to the account of the corporation and issue to the corporation a certificate thereof which may be applied against any account due or to become due the Commonwealth

Section 6 This act shall not be construed to apply to taxes payable (a) by corporations organized for manufacturing purposes for laundering or for the processing and curing of meats their products and by-products under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number eighty-six) or (b) by corporations under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number ninety-one) nor shall this act be construed to apply to the six mill increase of the tax on gross receipts imposed under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number eighty-nine)

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1602, as follows:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

Whereas At the Regular Session of one thousand nine hundred and thirty-five several laws were adopted to provide additional revenues for the Commonwealth during a two year period in order to finance unemployment relief and balance the budget for the fiscal biennium one thousand nine hundred and thirty-five one thousand nine hundred and thirty-seven and

Whereas The bulk of these taxes assessed is not payable until the months of March April and May in the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and therefore these revenues are not immediately available for use and

Whereas In order to provide moneys for the treasury it is deemed proper to provide a discount on certain of these taxes if paid in whole or in part in advance therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "corporation" as used in this act shall be construed to include corporations joint-stock associations limited partnerships and companies

Section 2 (a) Any corporation organized for manufacturing purposes for laundering or for the processing and curing of meats their products and by-products which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-six) is required to pay a tax on its capital stock or a franchiise tax upon a taxable value of its capital stock and (b) any corporation which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number ninety-one) is required to pay an excise tax on net income and (c) any corporation which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-nine) is required to pay an increased tax on gross receipts derived wholly from business done within this State shall have authority to pay such taxes or any part thereof less a discount into the treasury of the Commonwealth through the Department of Revenue in advance of the due date thereof if paid on or before the times speciified in section three of this act.

Section 3 (a) Taxes or any portion thereof payable under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-six) by Corporations on reports filed as of March fifteenth one thousand nine hundred and thirty-six for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five shall if paid on account into the State Treasury through the Department of Revenue on or before September first one thousand nine hundred and thirty-five be subject to a discount of three and one-half per centum (3½%) and those payable on reports filed as of March fifteenth one thousand nine hundred and thirty-seven for the calendar year one thousand nine hundred and thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-six shall if paid on account into the State Treasury through the Department of Revenue on or before December fifteen one thousand nine hundred and thirty-five be subject to a discount of five per centum (5%)

(b) Taxes or any portion thereof payable under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number ninety-one) by corporations on reports filed as of April fifteenth one thousand nine hundred and thirty-six for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five shall if paid on account into the State Treasury through the Department of Revenue on or before October first one thousand nine hundred and thirty-five be subject to a discount of three and one-half per centum (3½%) and those payable on reports filed as of April fifteenth one thousand nine hundred and thirty-seven for the calendar year one thousand nine hundred and thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-six shall if paid on account into the State Treasury through the Department of Revenue on or before December fifteenth one thousand nine hundred and thirty-five be subject to a discount of five per centum (5%)

(c) In the case of corporations liable to an increased tax of six mills under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-nine) the taxes or any portion thereof shall if paid on account within the time specified hereinafter be subject to the following discounts

(1) If the increased tax of six mills or any part thereof payable on reports filed as of February first one thousand nine hundred and thirty-six is paid on account into the State Treasury through the Department of Revenue on or before September first one thousand nine hundred and thirty-five a discount of two per centum (2%)

(2) If the increased tax of six mills or any part thereof payable on reports filed as of July first one thousand nine hundred and thirty-six is paid on account into the State Treasury through the Department of Revenue on or before October first one thousand nine hundred and thirty-five a discount of three and one-half per centum (3½%)

(3) If the increased tax of six mills or any parts thereof payable on reports filed as of February first one thousand nine hundred and thirty-seven is paid on account into the State Treasury through the Department of Revenue on or before December first one thousand nine hundred and thirty-five a discount of five per centum (5%)

Section 4 In order to receive the benefits of this act any corporation may make any estimate of the amount of the tax or any part thereof which it deems it will become liable to pay under the provisions of any revenue act referred to in this act file such estimate with the Department of Revenue and pay into the State Treasury through the Department of Revenue the amount of tax or any part thereof to which it agrees it will become liable within the times herein specified less the amount of discount allowed by this act Such estimates shall be made on forms prepared and furnished by the Department of Revenue Upon the receipt of any such advance payment of tax less discount the Department of Revenue shall establish a credit on its books with respect to the proper report to be thereafter filed in favor of the corporation paying the same to the amount of tax paid on account without deduction of the discount allowed and in the settlement of the tax accounts of the corporation on future reports filed proper credits shall be allowed on each settlement on which an advance payment has been so made The Department shall issue its receipt evidencing payment on account of taxes under the provisions of this act which shall show the amount of tax paid in advance the discount allowed and the total credit established

Section 5 In any case where any corporation paying taxes in advance under the provisions of this act shall pay an amount for any tax period in excess of the amount thereafter found to be legally due the Department of Revenue or the Board of Finance and Revenue as the case may be shall establish a credit for such overpayment to the account of the corporation and issue to the corporation a certificate thereof which may be applied

against any account due or to become due the Commonwealth

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. NORTON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON read in place and presented to the Chair Senate Bill No. 1611, entitled:

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg placing said addition upon completion, under the jurisdiction and control of the Department of Health and making an appropriation.

Which was committed to the Committee on State Government.

Mr. TRAINER. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER read in place and presented to the Chair, Senate Bill No. 1612, entitled:

An Act providing for the escheat of the dividends, profits, debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money, securities or other property for safe keeping, except building and loan associations and fiduciaries, with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof, and providing for the payment of fees and the procedure in the discovery and collection thereof, and in connection therewith.

Which was committed to the Committee on Banking.

REPORTS FROM COMMITTEE

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary Special reported as committed, Senate Bill No. 1492 (House Bill No. 2145), entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

Mr. TRAINER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Agriculture reported as committed, Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to, and regulation of, persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties.

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Agriculture reported as committed, Senate Bill No. 1531, entitled:

An Act to regulate and, under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate, trade and fictitious names and in advertisements, trade-marks and brands; conferring powers on the Department of Agriculture; and providing penalties.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Agriculture. reported as committed, Senate Bill No. 1576 (House Bill No. 2529), entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Banking reported as committed, Senate Bill No. 1158 (House Bill No. 2138), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or with out fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. BAUMER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Committee on Banking reported as committed, Senate Bill No. 1392, entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth audiitng the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department board commission and officer of the State government every political subdivivision of the State, and certain officers of such divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; qualifying additional securities as acceptable for the securing of State deposits.

Mr. RANKIN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Banking reported as committed, Senate Bill No. 1527, entitled:

An Act defining the term "fiduciary"; prescribing the nature and kind of investments which may be made by such fiduciaries; validating certain investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith.

Mr. SORDONI. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SORDONI from the Committee on Banking reported as amended, Senate Bill No. 1124, (House Bill No. 2134), entitled·

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association or persons by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Agriculture, reported as committed, Senate Bill No. 1578 (House Bill No. 2875), entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 467, entitled:

An Act making an appropriation to the General Hospital, East Stroudsburg, Monroe County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 837 (House Bill No. 1798), entitled:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consid-

eration of Senate Bill No. 859 (House Bill No. 1567), entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by requiring city fiscal records to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 905 (House Bill No. 914), entitled:

An Act to supplement an act approved the nineteenth day of June one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by providing for release on parole on recommendation of the board of inspectors of any county prison house of correction or workhouse and for the conditions and limitations thereon and authorizating the appointment of parole officers by boards of prison inspectors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 977 (House Bill No. 1005), entitled:

An Act requiring tax collectors of townships of the first class to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 984 (House Bill No. 1565), entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by requiring records of poor districts to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 985 (House Bill No. 1566), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1059 (House Bill No. 483), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such township to prohibit and regulate the manufacture sale and exposure of fireworks and other inflammable materials imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1068 (House Bill No. 1568), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough fiscal records to be open to inspection.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1124 (House Bill No. 2134), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consider-

ation of Senate Bill No. 1148 (House Bill No. 893), entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities except of the second class A boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1158 House Bill No. 2138), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persns restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by ffurther providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1179 (House Bill No. 290), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1195 (House Bill No. 2332), entitled:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1227 (House Bill No. 2051), entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1229 (House Bill No. 2056), entitled:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1242, entitled:

An Act to amend section four of the act approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1093), entitled "An act creating, in counties having a population of from eight hundred thousand to one million five hundred thousand, a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; fixing their salaries, payable by the county; defining the powers and duties of such board, and regulating the assessment of property and occupations for State and county purposes; authorizing the appointment of subordinate assessors and clerks, defining their duties and providing for their compensation, payable by such counties; imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act, and

abolishing the office of ward, borough, and township assessor, in so far as respects the assessment of property and occupations for State and county purposes;" providing that the Board of Assessors of cities of the second class shall, for the year one thousand nine hundred and thirty-six, and subsequent years, furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities; and further providing that, in the appointment of subordinate county assessors, only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1369 (House Bill No. 2212), entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1398, entitled:

An Act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1401 (House Bill No. 9), entitled:

An Act to amend clause 1 of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1469, entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth; prescribing the procedure therefor and delimiting the costs thereof; imposing certain duties on directors of the poor and/or the County Commissioners in the several Counties; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1472, entitled:

An Act defining the powers, of persons, partnerships, associations or corporations operating cemeteries and burial grounds, to act and make regulations governing their conduct and operations and prohibiting certain acts, and conferring upon common pleas courts, jurisdiction to restrain the violation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1480 (House Bill No. 2742), entitled:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1482, entitled:

An Act to amend section 1302 of the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen), entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1489 (House Bill No. 1943), entitled:

An Act making apporpriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1490 (House Bill No. 2048), entitled:

An Act to amend Sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting prop-

erty owners regulating the replacement of certain facilities of public utility companies prohbiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1492, (House Bill No. 2145), entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1509, entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue; and defining its powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to, and regulation of, persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1527, entitled:

An Act defining the term "fiduciary"; prescribing the nature and kind of investments which may be made by such fiduciaries; validating ceratin investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1528, entitled:

An Act to amend section thirteen of the act approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining the licensing of osteopaths in this State; and to provide penalties for the violation of this act," as amended; prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr.," before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1531, entitled:

An Act to regulate and, under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate, trade and fictitious names and in advertisements, trade-marks and brands; conferring powers on the Department of Agriculture; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1539, entitled:

An Act to further amend section twelve of the act approved the third day of June, one thousand nine hundred and eleven, (P. L. 639), entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation or suspension of licenses given by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1546, (House Bill No. 477), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1547, (House Bill No. 564), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and con-

sideration of Senate Bill No. 1550, (House Bill No. 805), entitled:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1551 (House Bill No. 1031), entitled:

An Act making appropriations to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks Yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1552 (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1555 (House Bill No. 1587), entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1556 (House Bill No. 1591), entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1558 (House Bill No. 1895), entitled:

An Act making appropriations to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of board of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1565 (House Bill No. 2184), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1576 (House Bill No. 2529), entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1578 (House Bill No. 2875), entitled:

An Act to amend section two of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred ten) entitled "A supplement to the act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred twenty-eight) entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle sheep goats swine poultry and wild and semi-wild animals into the Commonwealth" providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1582, entitled:

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake, in Luzerne County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1583, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Revenue, to sell at public sale for the best price obtainable tracts of land acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields; and providing for the disposition of the purchase price received for said lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12:00 o'clock noon.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:41 P. M., until tomorrow at 12:00 o'clock noon.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 11, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

O God, Our Heavenly Father, Maker and Creator of the heavens and the earth, the Giver of every good and perfect gift, we pray Thee, as we have received bountifully of Thy good graces, that we might give ourselves in service toward our fellow men and to this great Commonwealth. Grant us the leadership of Thy Spirit that we might seek the truth and follow that truth wherever it may lead. Bless the officers of this Commonwealth, the Speaker of his House and all of his aides, and may Thy Kingdom come, and Thy will be done. In His name and for His sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FLANAGAN, the further reading was dispensed with, and the Journal approved.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 221.

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year

SENATE BILL No. 399.

An Act to amend sections two and fifteen of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred eighty-one) entitled "An act concerning arbitration and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts including contracts to which the State or any municipal subdivision thereof may be a party regulating the procedure under such provisions and agreements and conferring certain powers and imposing certain duties upon the courts with reference thereto" by prescribing the time for making application to stay proceedings pending arbitration by authorizing appeals from orders granting or refusing such stays or from orders directing or refusing to direct the parties to proceed to arbitration and regulating such appeals

SENATE BILL No. 614.

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes

SENATE BILL No. 820.

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

SENATE BILL No. 876.

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

SENATE BILL No. 890.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds

SENATE BILL No. 1234.

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian

SENATE BILL No. 1235.

An Act to further amend section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputy and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work to be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repair to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the construction re-construction and maintenance foot bridges over certain bridges by the Department of Highways.

SENATE BILL No. 1246.

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability

SENATE BILL No. 609.

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Whereupon the SPEAKER in the presence of the House signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. WEISS. HOUSE BILL No. 2960.

An Act relating to business; restricting hours of labor, and in certain cases limiting the number of employes, and regulating rates and payment of wages; defining the rights of employes to bargain collectively with employers; prohibiting certain unfair trade practices; creating a Board of Industrial Appeals, and defining its powers and duties in relation to the administration and enforcement of this act; conferring powers and imposing duties on the Department of Labor and Industry, and courts of common pleas; allowing appeals; and providing penalties.

Referred to the Committee on Labor.

By Mr. MENTZER. HOUSE BILL No. 2961.

A Joint resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same, and to make a general survey of the steel industry; and making an appropriation.

Referred to the Committee on Manufactures.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. COAKLEY and Van SICKLE.

(Concurrent) RESOLUTION No. 166.

In the House of Representatives, June 10, 1935.

Whereas, The Federal Government has created a fund of $4,000,000 for the construction and acquisition of public works; and

Whereas, One of the most important steps in the field of public works is the acquisition and operation of water-works by municipalities; and

Whereas, The city of Easton faces a problem in the supply of water now furnished to the public in said city, and is desirous of purchasing existing private water-works now supplying water to the public of said city; therefore be it

Resolved, (if the Senate concur), That the Federal authorities be requested to allocate from any Federal appropriations available for such purposes such sum or sums as may be necessary to enable the city of Easton to acquire the water-works and systems now supplying water to the public of said city, and that said sums be requested as outright grants.

Resolved, That a copy of this resolution be transmitted to the Public Works Administration by the Chief Clerk of this House.

Referred to the Committee on Cities.

By Messrs. COAKLEY and Van SICKLE.

(Concurrent) RESOLUTION No. 167.

In the House of Representatives, June 10, 1935.

Whereas, The Federal Government has created a fund of $4,000,000 for the construction of public works to relieve unemployment; and

Whereas, The construction and operation of municipal employment, but as well is one of the desired steps in sewers and sewage treatment works not only relieves unpurifying th streams and relieving filtration plants of excess loads; and

Whereas, Because of the Constitutional limitation on its borrowing power, and the large amount of delinquent taxes, it is impossible for the city of Easton to complete the construction of its sewage system and the necessary sewage treatment works; therefore be it

Resolved, (if the Senate concur), That the Federal authorities be requested to allocate from the Federal appropriation for public works, such sum or sums as may be necessary for the completion of the sewage system and sewage treatment works in the city of Easton, and that such sums be requested as outright grants to enable said city to proceed with these improvements.

Resolved, That a copy of this resolution be transmitted to the Public Works Administration by the Chief Clerk of this House.

Referred to the Committee on Cities.

By Miss BRANCATO. RESOLUTION No. 168.

In the House of Representatives, June 10, 1935.

Resolved, That House Resolution No. 137, Serial No. 186, Printer's No. 866, which was adopted by the House of Representatives May 22nd, 1935, be so amended that Resolution No. 2 read as follows:

Resolved, That the committee shall make a report to the next House of Representatives [of this] when assembled in regular session [as early as possible]; and

Referred to the Committee on Cities.

By Mr. NAGEL. RESOLUTION No. 169.

In the House of Representatives, June 10, 1935.

Whereas, Associations and corporations generally known as Co-operative Agricultural Associations or Corporations of Producers of Farm Products are directly or indirectly marketing to consumers of farm products in this Commonwealth an ever increasing proportion of such products produced by the farmers of this Commonwealth, and

Whereas, A substantial number of the citizens of this Commonwealth are directly interested in the management, operation and supervision of such associations or corporations as members thereof, and

Whereas, the general public of the Commonwealth has an interest in the management, operation and supervision of such associations or corporations by reason of the fact that a substantial and ever increasing proportion of the agricultural products sold to the general public for consumption are marketed through such associations or corporations, and

Whereas, It is desirable that the present laws governing such associations or corporations be revised to provide for the more efficient management, operation and supervision of such associations or corporations in the interest of the members thereof and the general public, and

Whereas, Certain legislation has been proposed and is now pending before the Legislature designed to revise the existing law relating to such associations or corporations and it is desirable that legislation be enacted properly to revise the management, operation and supervision of such associations or corporations, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a committee of five members of the House of Representatives, whose duty it shall be to investigate the operation of existing laws relative to the management, operation and supervision of Co-operative Agricultural Associations or Corporations of Producers of Farm Products, and to determine what, if any, changes or revisions should be made in such laws properly to provide for such management, operation and supervision of said association or corporations in the future, and

Resolved, That the committee shall make a report to the House of Representatives as early as possible either at this session, if feasible, or at the next special or general session of the House of Representatives, and

Resolved, That the said committee shall have the power to hold public or private hearings, and to audit the books and accounts of such Co-operative Agricultural Associations or Corporations of Producers of Farm Products as in the opinion of the committee it may deem necessary to effectuate the purpose of this Resolution and to effect the purpose of this Resolution the committee shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before it and to answer to such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of the said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the law of the Commonwealth in such cases.

Referred to the Committee on Agriculture.

By Mr. EBERHARTER. (Concurrent). RESOLUTION No. 170.

In the House of Representatives, June 10, 1935.

Whereas, The National Government, in order to create employment designed, through natural development from temporary to permanent work, to bring about an eventual termination of the economic depression, is about to expend huge sums of public moneys in the construction of projects of general public benefit.

Whereas, Among these projects it is proposed to include a canal or water-way from Beaver, in the State of Pennsylvania, to Struthers, in the State of Ohio, at a total cost for construction alone of $37,000,000; or as an alternative, to construct, at a considerably greater expense, a water-way from Beaver to Lake Erie, at or near Ashtabula, Ohio, thereby joining the Ohio River with Lake Erie.

Whereas, The proposed canal from Beaver to Struthers would benefit almost exclusively the steel interests of Youngstown to the detriment of their competitors in western Pennsylvania, whereas the steel industry in Youngstown already enjoys a greater degree of prosperity than do the similar plants in Pennsylvania.

Whereas, The construction of any canal or water-way can only be undertaken by the use of a maximum amount of machinery which does not entail the employment of a commensurable number of workmen.

Whereas, The operation of either of the proposed water-ways, when completed, will not increase employment, but on the contrary will tend to materially decrease it. The facilities of water transportation will necessarily take from the railroads operating in the district, the larger part of their present freight haulings. The curtailment of railroad transportation will, in the case of the Beaver to Struthers canal alone, inevitably result in the dismissal of 3,000 or more railroad employes, and the cutting off of an annual wage roll of some $3.500,000, which will no longer find its way into the channels of trade.

Whereas, The number of men employed in the operation of a canal is negligible as compared with the number necessarily employed in the transportation by railroad of an equal volume of freight shipments.

Whereas, The decreased use of railroad facilities will greatly diminish the demand for steel by the railroads who are now one of the most extensive users of this product.

Whereas, The Beaver to Struthers canal would be used to a considerable extent for the transportation of coal to the Youngstown Steel Mills, thus lending impetus to the production of coal in the fields nearest the canal and its connecting water-ways, to the injury of coal fields enjoying only the facilities of railroad transportation, and thereby dislocating mining employment.

Whereas, The proposed water-ways do not conform to the requirements of correct public policy, and therefore do not constitute projects to be provided at the expense of the Federal Government. Th moneys proposed to be devoted to this project may more properly be expended in th elimination of grade crossings for the protection of lives and property; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the United States to disapprove the construction of both the proposed canal or water-way from Beaver to Struthers, and the proposed water-way from the Ohio River to Lake Erie, and to exclude them from the projects to be undertaken and to be paid for out of Federal funds; and be it further

Resolved, That copies of this resolution be transmitted by the Secretary of the Commonwealth to the President of the United States and to the presiding officers of the Senate and the House of Representatives of the United States.

Referred to the Committee on Forestry.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1976

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1976, Printer's No. 637, entitled, "An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark or name."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 547 AND 2491.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 7, 1935.

To the Honorable the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 547, Printer's No. 90, entitled, "An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled 'An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions."

House Bill No. 2491, Printer's No. 1256, entitled, "An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 933, 955, 1865, 2216, 2222 AND 2315

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 933, Printer's No. 197, entitled, "An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-one) entitled 'An act providing for the payment of the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny'."

House Bill No. 955, Printer's No. 351, entitled, "An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes."

House Bill No. 1865, Printer's No. 1195, entitled, "An Act to amend the title and section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled 'An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools' extending the time for the discharge of children from said school."

House Bill No. 2216, Printer's No. 913, entitled "An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' further regulating the establishment of nursery waters."

House Bill No. 2222, Printer's No. 789, entitled, "An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schols in the Commonwealth."

House Bill No. 2315, Printer's No. 984, entitled, "An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twentv-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' prohibiting the

breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2129

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2129, Printer's No. 686, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. MALE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2637

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 7, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2637, Printer's No. 870, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

COMMUNICATION AND BILL LAID ON TABLE

Mr. SURFACE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATIONS

The Speaker laid before the House the following communications which were read by the Clerk.

THE VICE PRESIDENT'S CHAMBER

Washington, June 5, 1935.

Mr. W. P. Gallagher, Chief Clerk
House of Representatives,
Harrisburg, Penna.

Dear Mr. Gallagher:

The Vice President is in receipt of copy of Resolution No. 146, adopted by the House of Representatives of the General Assembly of Pennsylvania, and has directed that it be appropriately referred.

Yours very truly,

JOSEPHINE STRELING,
Clerk to the Vice President.

THE SPEAKER'S ROOMS

House of Representatives U. S.
Washington, D. C.

Mr. W. P. Gallagher, Chief Clerk,
House of Representatives,
Harrisburg, Pennsylvania.

My dear Sir:

I am in receipt of copy of House Resolution No. 146 I shall make proper reference of this resolution and see that it receives consideration.

Very sincerely yours,

JOSEPH W. BYRNS.

June 5, 1935.

The SPEAKER. The communications will be noted in the Journal and printed in the Legislative Journal.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 540.

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County

HOUSE BILL No. 329.

An Act to amend section seven hundred four and seven hundred twenty-five of the act aproved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk

HOUSE BIILL No. 2249.

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 775.

An Act relating to the furnishing sale delivery weighing and importation of unmanufactured horse manure meaning certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Said bill having been recalled from the Governor for the purpose amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

HOUSE BILL No. 953.

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BIILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2488.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1 page 7 line 24 by striking out after the word "hundred" the word "and"; also in line 28 by striking out after the word "hundred" the word "and"; also on page 12, line 20 by striking out after the word 'this" the word "article" and inserting in lieu thereof the word "act".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shepard,
Alexander,	Falkenstein,	Mallen,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Siegel,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	McKinney,	Sloan,
Baine,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Furman,	Mentzer,	Smith, W. G.,
Baker, J. J.,	Gates,	Merrell,	Snyder, F. E.,
Baldi,	Gerard,	Moomaw,	Snyder, J. L.,
Barber,	Gillette,	Mooney,	Sowers,
Barnhardt,	Green,	Moore,	Spangler,
Bernhard,	Greenstein,	Moran,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Munley,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Nagel,	Stockham,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Tronzo,
Burke,	Hermansen,	Patterson, J. W.,	Trout,
Cannon,	Hetrick,	Pearson,	Tumelty,
Caputo,	Hindman,	Perry,	Turner,
Carr,	Hirsch,	Peters,	VanAllsburg,
Carson,	Hoffner,	Pfaff,	VanSickle,
Castor,	Holland,	Phillips,	Walker,
Chervenak,	Holstrom,	Piole,	Wall,
Coakley,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weidemann,
Cohen,	Jackson,	Reynolds,	Weiss,
Coleman,	Jones,	Rhys,	Welliver,
Condon,	Kane,	Rinn,	Welsh,
Conner,	Kelder,	Roan,	Westrick,
Coolahan,	Kelso,	Robinson,	White,
Cordier,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Scanlon,	Woodside,
Diehl,	Linderman,	Schrock,	Yeakel,
Dilley,	Long,	Schrope,	Yourishin,
Downey, G. E.,	Longaker,	Schwab,	Zappala,
Downey, J. J.,	Lovett,	Schwartz,	Zimmerman,
Duffort,	Lynch,	Shaw,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 10, 1935.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time and that when the House of Representatives ad-

journs this week it reconvene Monday afternoon, June 17, 1935, at three o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives, for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate, accordingly.

RESOLUTION

RECALLING HOUSE BILL NO. 2205 FROM THE GOVERNOR

Mr. RUTH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur) that House Bill No. 2205, Printer's No. 861, entitled "An act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended providing for meetings of teachers," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 862

Mr. LaRUE offered the report of the Committee of Conference on House Bill No. 862 which was laid over for printing.

LEAVES OF ABSENCE

Mr. SHORTZ asked and obtained leave of absence for himself after the morning session.

Mr. Stockham asked and obtained leave of absence for Mr. YEAKEL for the balance of the week.

REPORTS FROM COMMITTEES

Mr. VanSICKLE, from the Committee on Judiciary General, reported as committed, House Bill No. 523, entitled:

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88) entitled, "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended, changing the time in actions of replevin when the plaintiff may take judgment against the defendant for default of appearance.

Mr. MALE, from the Committee on Appropriations, reported as committed, House Bill No. 2600, entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

Mr. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 2312, entitled:

An Act to further amend section two hundred forty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by further defining the qualifications of district attorneys in counties of the sixth class.

Mr. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 2496, entitled:

An Act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects.

Mr. PFAFF, from the Committee on Labor, reported as committed, House Bill No. 2960, entitled:

An Act relating to business; restricting hours of labor, and in certain cases limiting the number of employes, and regulating rates and payment of wages; defining the rights of employes to bargain collectively with employers; prohibiting certain unfair trade practices; creating a Board of Industrial Appeals, and defining its powers and duties in relation to the administration and enforecment of this act; conferring powers and imposing duties on the Department of Labor and Industry, and courts of common pleas; allowing appeals; and providing penalties.

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 1554, entitled:

An Act relating to landlord and tenant; and amending, revising, changing and consolidating the law relating thereto.

Mr. TRONZO, from the Committee on Appropriations, reported as committed, House Bill No. 2271, entitled:

An Act making an appropriation to the Trustees of the Duquesne University, Pittsburgh, Pennsylvania.

Mr. BRADLEY, from the Committee on Judiciary General, reported as committed, House Bill No. 2687, entitled:

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof, the Commonwealth of Pennsylvania, and any county, city, town, borough, township, school district, poor district, authority or any other agency or instrumentality thereof, and said corporations, for the acquisition of property in connection with public works projects.

Mr. BLUMBERG, from the Committee on Appropriations, reported as committed, House Bill No. 1653, entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible.

Mr. BARBER, from the Committee on Appropriations, reported as committed, House Bill No. 2959, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

Mr. SOWERS, from the Committee on Judiciary General, reported as committed, House Bill No. 2217, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five, (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed, shall be judicial records and subject to the control of the court.

Mr. TURNER, from the Committee on Judiciary Gen-

eral, reported as committed, House Bill No. 2786 (Senate Bill No. 300), entitled:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor.

Mr. SCHROCK, from the Committee on Highways, reported as committed, House Bill No. 2873 (Senate Bill No. 1005), entitled:

An Act to amend the penal clause of section nine hundred and three of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribing fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

Mr. SIMON, from the Committee on Highways, reported as committed, House Bill No. 2952 (Senate Bill No. 1309), entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation.

Mr. BLUMBERG, from the Committee on Elections, reported as committed, House Bill No. 2880 (Senate Bill No. 484), entitled:

An Act to amend section seven of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchases, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended; further regulating the construction of voting machines.

Mr. WOODSIDE, from the Committee on Judiciary General, reported as committed, House Bill No. 2910 (Senate Bill No. 935), entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

Mr. BARBER, from the Committee on Judiciary General, reported as committed, House Bill No. 1481 (Senate Bill No. 53), entitled:

An Act to amend section eight of the act approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein; and giving the courts power to enforce its provisions," as amended, further regulating pleadings where a party to an action requires proof of the opposite party of facts which are under the exclusive control of the opposite party or the truth of which cannot be ascertained after reasonable investigation.

Mr. SIEGEL, from the Committee on Highways, reported as committed, House Bill No. 2936 (Senate Bill No. 1390), entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and provid-

ing that existing contracts are not affected by provisions of this act," as amended; by cancelling certain judgments against townships.

Mr. TURNER, from the Committee on Appropriations, reported as amended House Bill No. 1670 (Senate Bill No. 535), entitled:

An Act making an appropriation to The Glen Mills Schools situate in Delaware County, Pennsylvania.

Mr. SINWELL, from the Committee on Appropriations, reported as amended House Bill No. 1513 (Senate Bill No. 466), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Mr. TURNER, from the Committee on Appropriations, reported as amended House Bill No. 1674 (Senate Bill No. 539), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County, Pennsylvania.

Mr. HART, from the Committee on Appropriations, reported as amended House Bill No. 1306 (Senate Bill No. 363), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

Mr. HART, from the Committee on Appropriations, reported as amended House Bill No. 1395 (Senate Bill No 181), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

Mr. HART, from the Committee on Appropriations, reported as amended House Bill No. 1283 (Senate Bill No. 173), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

Mr. CONNER, from the Committee on Appropriations, reported as amended, House Bill No. 557, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Mr. CONNER, from the Committee on Appropriations, reported as amended, House Bill No. 603, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia.

Mr. STANK, from the Committee on Appropriations, reported as amended, House Bill No. 592, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Mr. LOVETT, from the Committee on Appropriations reported as amended, House Bill No. 1150, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania.

Mr. FLANAGAN, from the Committee on Appropriations, reported as amended, House Bill No. 1394 (Senate Bill No. 155), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Mr. FLANAGAN, from the Committee on Appropriations, reported as amended, House Bill No. 2822 (Senate Bill No. 295), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 2929 (Senate Bill No. 963), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Mr. TRONZO, from the Committee on Appropriations, reported as amended, House Bill No. 1935 (Senate Bill No. 299), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in the Dixmont Hospital at Dixmont Allegheny County.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as amended, House Bill No. 2089 (Senate Bill No. 754), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

Mr. STANK, from the Committee on Appropriations, reported as amended, House Bill No. 2087 (Senate Bill No. 665), entitled:

A Further supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making an appropriation for carrying the same into effect.

Mr. TRONZO, from the Committee on Judiciary General, re-reported as committed, House Bill No. 686, entitled:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily.

Mr. COHEN, from the Committee on Appropriations, reported as amended, House Bill No. 2896, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 523, entitled:

An Act to amend section five of the act approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88) entitled, "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended, changing the time in actions of replevin when the plaintiff may take judgment against the defendant for default of appearance.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2600, entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2312, entitled:

An Act to further amend section two hundred forty-six of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto" by further defining the qualifications of district attorneys in counties of the sixth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2496, entitled:

An Act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2960, entitled:

An Act relating to business; restricting hours of labor, and in certain cases limiting the number of employes, and regulating rates and payment of wages; defining the rights of employes to bargain collectively with employers; prohibiting certain unfair trade practices; creating a Board of Industrial Appeals, and defining its powers and duties in relation to the administration and enforcement of this act; conferring powers and imposing duties on the Department of Labor and Industry, and courts of common pleas; allowing appeals; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1554, entitled:

An Act relating to landlord and tenant; and amending, revising, changing and consolidating the law relating thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2271, entitled:

An Act making an appropriation to the Trustees of the Duquesne University, Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2687, entitled,

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof, the Commonwealth of Pennsylvania, and any county, city, town, borough, township, school district, poor district, authority or any other agency or instrumentality thereof, and said corporations, for the acquisition of property in connection with public works projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1653, entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2959, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2217, entitled·

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed, shall be judicial records and subject to the control of the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2786 (Senate Bill No. 300), entitled:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' liens therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2873 (Senate Bill No. 1005), entitled:

An Act to amend the penal clause of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways

and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration House Bill No. 2952 (Senate Bill No. 1309), entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the State of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2880 (Senate Bill No. 484), entitled:

An Act to amend section seven of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended further regulating the construction of voting machines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2910 (Senate Bill No. 935), entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1481 (Senate Bill No. 53), entitled:

An Act to amend section eight of the act approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein; and giving the courts power to enforce its provisions," as amended, further regulating pleadings where a party to an action requires proof of the opposite party of facts which are under the exclusive control of the opposite party or the truth of which cannot be ascertained after reasonable investigation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2936 (Senate Bill No. 1390), entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State Highways; making appropriations to carry out the provisions of this act; and providing for the repeal of

certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended by cancelling certain judgments against townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

RECALLING HOUSE BILL NO. 1962 FROM THE GOVERNOR

Mr. SCHWARTZ offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur) That House Bill No. 1962, Printer's No. 1257, entitled "An act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof' further regulating the bnusiness and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the 'Board of Plumbing Supervision of the Department of Health' therein and giving them certain powers and duties relative thereto," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL NO. 67 FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur), That House Bill No. 67, Printer's No. 1297, entitled "An act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty), entitled 'An act to provide civil rights for all people, regardless of race or color,' amplifying and extending the provisions of said act and increasing the penalties for violation thereof," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON HOUSE BILL NO. 2016

The SPEAKER. The Chair lays before the House the special order on third reading and final passage on House Bill No. 2016, fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2016, as follows:

An Act creating a State Planning Board prescribing and defining its powers and duties including the planning of long term and emergency programs of public works construction and expenditure planning for the conservation and utilization of the resources of the Commonwealth coordinating the plans of the various departments of the State government for the general good of the Commonwealth and assisting official and citizen constituted planning groups throughout the Commonwealth cooperating closely with the Federal government making special studies for the Legislature when requested and provided for and such other activities as may be assigned to it by the Governor of the Commonwealth and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Planning Board Law"

Section 2 Definitions The term "board" as used in this act shall mean the Pennsylvania State Planning Board created by this act

The term "plan" or "planning" as used in this act shall mean the formulation of long term programs and methods for the conservation and best use and development of the natural agricultural industrial social educational commercial economic and other resources of the Commonwealth also emergency short term programs to relieve unemployment

Section 3 State Planning Board (a) There is hereby created and established a State Planning Board which shall be an independent administrative board and which shall be subject to all the provisions of the Administrative Code of one thousand nine hundred and twenty-nine as amended which apply generally to independent administrative boards and commissions The board shall consist of seven members who shall be appointed by the Governor and in addition thereto the executive director of the State Emergency Relief Board during its existence Four of the members shall be heads of departments of the government of the Commonwealth Three of the members shall be citizens of the Commonwealth who do not hold any office under the Commonwealth to which any salary is attached The three citizen members of the board who are first appointed shall be designated by the Governor to serve for terms of one two and three years respectively from the date of their appointment Thereafter the term of office shall be for four years The terms of the members who are heads of departments of the State government shall extend through their terms of office as heads of departments of the State government unless otherwise designated or changed by the Governor A citizen member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the balance of the unexpired term Each citizen appointee shall be qualified by training and experience to perform the duties of the board The Governor shall name a chairman from among the board's membership The members of the board shall serve without compensation but shall be entitled to receive their traveling and other necessary expenses actually incurred in the performance of their public duties

(b) The board may appoint discharge at pleasure and fix the compensation of or make contracts for the services of technical experts legal counsel and all clerical and technical assistants which may in its judgment from time to time be necessary in the administration of this act The head of any department or agency of the State government or any political subdivision of the Commonwealth is hereby authorized to assign technical employes to assist the board The board also may incur necessary expenses for offices furniture stationery printing and other incidental expenses.

(c) A member of the board shall not be personally liable for any official action of the board and the rights of creditors of the board shall be solely against the board as a corporate and politic b.dy No member or employe of the board shall have or acquire any interest direct or indirect in any contract or proposed contract for materials or services to be used in connection with any activity of the board If any member or employe of the board owns or controls an interest direct or indirect in any property included in any plan or public works before the board and acquired prior to his appointment he shall disclose the same in writing to the board and such disclosure shall be entered upon the minutes of the board Any member of the board having such interests shall refrain from voting or participating in any manner in connection with such an activity of the board

Section 4 State Planning Secretary The board with the approval of the Governor shall appoint and fix the compensation of a planning secretary who shall act as executive director of the board and who shall conduct the work of the board under its supervision The planning secretary shall hold no other position in the service of the Commonwealth or any subdivision thereof and shall be technically qualified for the duties of his office

Section 5 Powers and Duties of the Board The board is hereby authorized in order to promote the well-being and happiness of the citizens of the Commonwealth to

(a) Prepare and make planning studies surveys and maps for the collection of data concerning or pertaining to zoning soil conditions land use and classification population trends and distribution the wealth of the Commonwealth and the buying power of its people unemployment parks parkways and playground development port harbor and waterway development highways traffic water supply drainage sewerage real property inventories building and housing conditions wages and incomes governmental subdivisions of the Commonwealth flood control stream pollution competitive situations faced by industries of the Commonwealth changing agriculture education social security and welfare and such other subjects as affect the health and welfare of the people of the Commonwealth

(b) Advise and cooperate with the various departments and other agencies of the State government with a view to coordinating plans related to activities of the Commonwealth

(c) Advise and cooperate with the various governmental subdivisions of the Commonwealth with a view to coordinating plans related to activities of these subdivisions

(d) Cooperate fully with the Federal government in any emergency or long range program or plans to relieve unemployment and to promote the well-being happiness and economic welfare of the people of the Commonwealth The board shall continue cooperation with the National Resources Board the Public Works Administration and such other Federal agencies which have or may in the future request such cooperation

(e) Evaluate classify and recommend construction or other unemployment relief projects State and local to be executed wholly or in part with Federal funds The board is hereby authorized and empowered to use and expend any funds coming into its hands for the purposes of this act and is hereby authorized and empowered to use any funds provided by the United States government or any agency thereof for such purposes The board is authorized to act as agent for any agency of the United States government when so requested

(f) Develop with State departments and local groups and agencies plans to make possible the development of a program of public works for use during periods of economic depression

(g) Make special studies for the Governor the Legislature or any department or agency of the government of the Commonwealth when requested and provided for

(h) Cooperate with and assist any community within the Commonwealth desiring to organize a planning body or group

(i) Cooperate with planning boards and similar bodies of other states in formulating comprehensive regional plans

(j) Request and receive from the various State departments and other agencies of the Commonwealth and its governmental subdivisions such available information as it may require in its work All public officials shall within a reasonable time furnish such requested information to the board

(k) The board its members agents or employes may in the performance of their duties enter upon any land and make any examination and surveys necessary to the performance of the board's duties

(l) To have a seal and alter the same at pleasure

Section 6 Constitutionality The provisions of this act are severable and if any of the provisions thereof are held to be unconstitutional and decision shall not be construed to impair any other provision of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 Appropriations The sum of one hundred and fifty thousand dollars ($150,000) is hereby specifically appropriated to the Pennsylvania State Planning Board for the biennium ending May thirty-first one thousand nine hundred and thirty-seven for the purposes of carrying into effect the provisions of this act

Section 8 When to Take Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Male,	Shaw,
Alexander,	Eroe,	Mallen,	Shepard,
Allen,	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shreiner,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Aukerman,	Flinchbaugh,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 125

Mr. ALLEN. Mr. Speaker, I desire to call up at this time Resolution No. 125, Printer's No. 1357.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 15, 1935.

Whereas, The Claar Telephone Company operating in the County of Bedford has put into effect a schedule or rates which confines the free zones of telephone subscribers within very limited areas, and

Whereas, A complaint against said schedule of rates has been pending before the Public Service Commission for several years and no final action thereon has been taken, therefore be it

Resolved, That the Public Service Commission of the Commonwealth of Pennsylvania be requested to bring said rate complaint to a speedy determination so that subscribers to the telephone service of said Claar Telephone Company will receive relief if the commission determines said complaint is well founded.

APPROPRIATION BILLS GIVEN PREFERENCE ON CALENDAR

Mr. COHEN. Mr. Speaker, I move that all bills eminating from the Committee on Appropriations be given the preference on the calendar.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2755, entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" extending the provisions of said act certain other contracts and retirement pensions and increasing the amount to be so exempt

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1284 (Senate Bill No. 233) as follows:

An Act relating to the redemption of real estate purchased by counties at tax sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where heretofore or hereafter real estate shall have been or shall be purchased at tax sale by a county it shall be lawful for the county commissioners in their discretion to permit a redemption of said real estate or part thereof so long as the title thereto remains in the county notwithstanding the period during which the right of redemption existed shall have expired provided all charges penalties and taxes shall be paid as required by law in cases of redemption of property sold to the county at tax sale

Section 2 In all cases where heretofore or hereafter real estate shall have been or shall be sold to a county at tax sale under one assessment and the said real estate shall have been divided into parcels and the title of record to such parcels shall have become vested in different owners the county commissioners so long as title remains in the county may permit the owner to redeem the parcel to which he or they shall hold title or have an interest of record by having the said parcel assessed in the manner provided by law and the payment of the proportion of all charges penalties and taxes as required by law in cases of redemption as the assessment so placed upon the parcel shall bear to the assessment upon which the sale was had

Section 3 The county commissioners shall have power to execute and deliver any deeds necessary to render the redemptions authorized by this act effective

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2831 (Senate Bill No. 39), entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes and farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trade and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the employment of women and minors in trade and industry in the Commonwealth of Pennsylvania at wages unreasonably low and not fairly commensurate with the value of the services rendered is a matter of grave and vital public concern for the following reasons

(a) Many women and minors employed for gain in the Commonwealth of Pennsylvania are not as a class upon a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory

(b) Since a very large percentage of such workers are obliged from their week to week wages to support themselves and others who are dependent upon them in whole or in part they are by reason of their necessitous circumstances forced to accept whatever wages are offered them

(c) Judged by any reasonable standard wages are in many cases fixed by chance and caprice and the wages accepted are often found to bear no relation to the fair value of the service rendered

(d) Women and minors employed for gain are pe-

culiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as existed tend to be set by the least conscionable employers

(e) In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry

In view of the foregoing it is hereby declared that the evils of oppressive unreasonable and unfair wages, as they affect women and minors employed in this Commonwealth are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well-being and in the prevention of the deterioration of the race

The second section was read as follows:

Section 2 The following terms shall be construed to have the following meaning except in those instances where the context clearly indicates otherwise

(a) "Secretary" shall mean the Secretary of Labor and Industry

(b) "Wage board" shall mean a board created as provided in section five of the act

(c) "Woman" shall mean a female of twenty-one years or over

(d) "Minor" shall mean a person of either sex under the age of twenty-one years

(e) "Occupation" shall mean an industry trade business or branch thereof or class of work therein in which women or minors are gainfully employed but shall not include domestic service in private homes or labor on a farm or newspaper boys lawfully engaged in the business of buying and selling exposing or offering for sale any newspaper magazine periodical or other publication

(f) "An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health

(g) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered In establishing a minimum fair wage for any service or class of service under this act the department and the wage board without being bound by technical rules of evidence or procedure may take into account all relevant circumstances affecting the value of the service or class of service rendered and be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and may consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

(h) "A mandatory order" shall mean an order the violation of which shall be subject to the penalties prescribed in section fifteen (b) of this act

(i) "Directory order" shall mean an order the nonobservance of which may be published as provided in section nine of this act

(j) "Employer" shall mean every person firm copartnership association or corporation who or which employs women or minors in any occupation as herein defined but shall not include the Federal government the Commonwealth or any county city borough incorporated town township or school district

(k) "Department" shall mean the Department of Labor and Industry of this Commonwealth

On the question,

Will the House agree to the section?

Messrs. HOOPES and GEORGE E. DOWNEY offered amendments.

The SPEAKER. The amendments offered by the gentleman from Berks, Mr. Hoopes, will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 5, line 8, by striking out the word "fifteen" and insert in lieu thereof "sixteen"

Amend sec. 2, page 5, line 13, by striking out the word "nine" and insert in lieu thereof "ten"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The SPEAKER. The amendment offered by the gentleman from Lancaster, Mr. Downey, will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 2, on page 4, by inserting in line 12, after the word "homes", the following: "or newspaper boys lawfully engaged in the business of buying selling delivering exposing or offering for sale any newspaper magazine periodical or other publication."

On the question,

Will the House agree to the amendment?

Mr. HOOPES. Mr. Speaker and members of the House, the amendment before you is the one offered by the gentleman from Lancaster, Mr. Downey, to Senate Bill No. 39, House Bill No. 2831, Printer's No. 572, on page 4 to make an insertion to exempt newspaper boys from the provisions of this act. This is the minimum wage bill passed by the Senate, which has been amended by the Labor committee of the House and is now in the form in which that committee thinks it should remain.

I can see no good reason why newsboys should be exempted from a bill providing minimum, fair wage standards for minors and women. Of course in the case of newspaper boys, it applies to minors. I can see no good reason why newsboys should not be given the same protection in this regard as other employed minors. I, therefore, ask that you vote "no" on the amendment.

Mr. TROUT. Mr. Speaker and members of the House, I rise to support the amendment offered by the gentleman from Lancaster, Mr. Downey.

There probably might not be any reason why newspaper boys should be exempt if their method of employment and their methods of working were as they are in industry. However, that is not the case with newspaper boys. There are different methods by which papers are distributed by these boys. There are instances in which they buy the papers from the publisher and then go out and sell them as their own business, as their own engagement. In other cases they are employed on a commission basis by the publisher, and again, where you have probably in the same community two newspapers operating in the distribution one by one method and one by another, it would be unfair to attempt to legislate in a way that would be effective in each case. I know of no such proposed legislation in any of the states of the United States. This is the first time that a bill has been introduced in the Legislature of Pennsylvania, so far as I know, attempting to regulate the wages of newsboys. Personally I don't believe this provision is workable and I would ask the members of this House to vote in favor of the amendment.

Mr. REISING. Mr. Speaker and members of the House, It would appear that there is an effort being made to chisel in on these newsboys not only in their hours of work but also in the compensation for their services, and I am of the opinion that that is entirely unfair and inhuman. I think that the thousands, ten thousands of capable, able bodied young men above the ages of fourteen sixteen and eighteen that are employed at this time would be glad to accept the job. There seems to be an influence that is trying to drive the little fellow out of the cradle into the field of economic struggle long before he is ready for it. I would ask the members of the House to be at least fair and human and vote down amendments of this type. Give the little fellow an opportunity. It is bad enough when he has to go to work as early as he does. Let us help him to develop physically and intellectually. I, therefore, ask you to vote down the amendment.

Mr. ANDREWS. Mr. Speaker, and members of the House, the trouble with the gentleman from Beaver is that he has not taken the time to acquaint himself with any of the details of the newspaper distribution business.

If a newsboy were regularly employed for a stated number of hours over a stated period, there would probably be a justification, indeed there would be justification for saying that any regulations that applied to another workman in a similar occupation should apply to the boy, but when you have the newspapers outside of the metropolitan areas handled by boys who may deliver and handle from ten to thirty or sixty papers or sometimes employed to carry on routes, because the compensation from the sale of papers does not justify the boy in making the rounds on that route and the publisher desires to serve that territory and sometimes, as the gentleman on the other side has pointed out, the boy simply is his own merchant working on his own time and working because he wants to and because his parents want him to, then you have another proposition.

I make no apologies for insisting before this House that a boy is better off working a few hours each day, delivering papers or anything else, than when he is doing nothing, running around on a hoodlum basis with the other boys in the neighborhood. Were there any desire to exploit these boys, it would be an entirely different matter. A boy who stands on the corner hour after hour, as he does in the metropolitan centers presents one case. A boy is in and out of the distribution business in the course of two hours is an entirely different case, and it is only common sense, that the boy, who the gentleman from Beaver is so anxious to protect, should be given the opportunity to do a little useful labor and earn a little money as a self-employer or as an employed boy on his own account.

Mr. YOURISHIN. Mr. Speaker and members of the House, I can appreciate the statement made by my friend, the gentleman from Cambria, Mr. Andrews, with reference to newsboys being employed in selling or peddling papers, but I would like to be shown by any member of this House where in this bill that is before the House now, it attempts to regulate the hours of anyone in industry. This bill is a minimum wage bill and sets up a board, and this board will say what is a fair wage for women and minors in the trades and industries. This bill does not interfere with the newsboy who is selling newspapers for two or four or five or ten hours, and if the board can say that a newsboy shall receive one or two cents, I don't see any objections to it and I do not believe the papers would have any objection to it. I think the statements as made by the gentleman from Cambria do not interpret this bill correctly. This bill does not pertain to newspapers, it does not pertain to hours. What it does pertain to is a fair minimum wage for women and minors in trades and industry. I ask the members of this House to vote down these amendments.

The yeas and nays were required by Mr. HOOPES and Mr. CANNON.

Mr. YOURISHIN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—110

Achterman,	Flynn,	Mooney,	Sowers,
Alexander,	Forrest,	Moore,	Spangler,
Allen,	Furman,	Muir,	Sproul,
Andrews,	Gerard,	Nothnagle,	Stewart,
Arnold,	Green,	O'Keefe,	Stone,
Aukerman,	Greenstein,	Panton,	Stott,
Baine,	Habbyshaw	Patterson, C.,	Sumney,
Baker, F. T.,	Haluska,	Patterson, J. W.,	Surface,
Baker, J. J.,	Hamilton, R. S.,	Peters,	Tahl,
Baldi,	Harkins,	Phillips,	Terry,
Blumberg,	Harmuth	Piole,	Tronzo,
Boose,	Hetrick,	Powers,	Trout,
Boyd, R.,	Hindman	Roan,	Turner,
Boyer,	Holland,	Robinson,	VanAllsburg,
Brennan,	Horst,	Ruffennach,	VanSickle,
Brown, H. S.	Jones,	Ruth,	Wall,
Chervenak,	Kelso,	Sarraf,	Weidemann,
Coakley,	Kinney,	Schrock,	Weiss,
Coleman,	Kobelak,	Schwab,	Westrick,
Conner,	LaRue,	Schwartz,	White,
Cordier,	Longaker,	Shaw,	Wickersham,
Davies,	Lynch,	Shreiner,	Winner,
Denning,	Male,	Siegel,	Wood,
Dilley,	McDevitt,	Simpson,	Woodside,
Downey, G. E.,	McElroy,	Sinwell,	Zappala,
Eberharter,	McKinney,	Sloan,	Zimmerman,
Ferko,	Mentzer,	Snyder, F. E.,	Sarig,
Flinchbaugh,	Merrell,	Snyder, J. L.,	

NAYS—59

Bernhard,	Downey, J. J.,	Jackson,	Reising,
Bradley,	Eroe,	Kelder,	Rhys,
Brancato,	Falkenstein	Kilroy,	Rinn,
Brown, J. E.,	Finnerty,	Long,	Root,
Brumbaugh,	Fitch,	Lovett,	Scanlon
Burke,	Flanagan,	McDermott	Schrope,
Cannon,	Haberlen,	McHenry,	Shepard,
Caputo,	Hagerty,	Melchiorre,	Simon,
Carr,	Hamilton, F. P.,	Moran,	Stank,
Castor,	Hart,	Munley,	Stevens,
Cochran,	Hartman,	Nagel,	Tumelty,
Cohen,	Hefferon,	Ominsky,	Welliver,
Condon,	Hirsch,	O'Neill,	Welsh,
Decker,	Holstrom,	Perry,	Yourishin,
Diehl,	Hoopes,	Pfaff,	

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 It is hereby declared to be against the public policy of the Commonwealth for any employer to employ a woman or a minor in any occupation in this Commonwealth at an oppressive and unreasonable wage Any contract agreement or understanding for or in relation to such employment at an oppressive and unreasonable wage shall be null and void

On the question,

Will the House agree to the section?

Mr. GEORGE E. DOWNEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, on page 5, by inserting in line 25, after the word "occupation", the following: "heretofore defined in this Act"

On the question,

Will the House agree to the amendment?

The SPEAKER declared the ayes appeared to have it

Whereupon, a division was called for, one hundred and twenty members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were separately read and agreed to as follows:

Section 4 The department shall have full power and authority and its duty shall be

(a) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(b) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the department issued under this act have been and are being complied with

(c) Whenever deemed necessary to require from such employer full and correct statements in writing of the wages paid to all women and minors in his employment and

(d) To carry out the provisions of this act

Section 5 The department either upon its own initiative or upon the petition of fifty or more residents of the Commonwealth shall have power to make an investigation of the wages being paid to women or minors in any occupation or occupations to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages If on the basis of information in the possession of the secretary with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages the department shall appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations

The sixth section was read as follows:

Section 6 (a) A wage board shall be composed of not more than three representatives of the employers in any occupation or occupations an equal number of representatives of the employes in such occupation or occupations and of not more than three disinterested persons representing the public one of whom shall be designated as chairman Members of a wage board shall be citizens of Pennsylvania The representatives of the employers and employes shall be selected by the department so far as practicable from nominations submitted by employers and employes in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the report of such wage board shall require a vote of not less than a majority of all its members Members of a wage board shall serve without pay but shall be reimbursed for all necessary traveling expenses The department shall make and establish from time to time rules and regulations not inconsistent with this act governing the selection of wage boards and their mode of procedure

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the court A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions

(c) The department shall present to a wage board promptly upon its organization all the evidence and information in the possession of the department relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which the department deems relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the committee any witnesses whom he deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberations

All witnesses subpoenaed by the wage board shall be entitled to the fees and mileage fixed by law in civil cases In case of failure on the part of any person to comply with any subpoena of the wage board or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board it shall be the duty of the Court of Common Pleas of Dauphin County on the application of a member of the wage board to compel obedience in the same manner that such obedience would be compelled by contempt proceedings or otherwise in a proceeding pending before said court

(d) Within sixty days of its organization a wage board shall submit to the department a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the department may constitute a new wage board

(e) A wage board may recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(f) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 6, page 8, line 3, by striking out the word "distinterested" and inserting in lieu thereof "disinterested".

Amend Section 6, page 10, line 1, by striking out the word "he" and inserting in lieu thereof the word "it"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh to nineteenth sections inclusive were separately read and agreed to as follows:

Section 7 Upon receiving a report from a wage board the department shall within ten days either accept or

reject such report If the report is rejected the department shall resubmit the matter to the same wage board or to a new wage board together with a statement of the reasons for the resubmission If the report is accepted the department shall cause it to be published together with such proposed administrative regulations as the department deems appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards to be established and notice shall be given of a public hearing to be held by the department not sooner than fifteen nor more than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

Section 8 Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may resubmit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the department may deem appropriate to implement the report of the wage board and to safeguard the established minimum fair wage standards Such administrative regulations may include among other things regulations defining and governing learners and apprentices their rates number proportion or length of service piece rates or their relations to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances In view of the diversities and complexities of different occupations and the dangers of evasion and nullification the department may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the department may find appropriate to safeguard the basic minimum rates established

Section 9 The department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment in an occupation and at such wages less than the minimum fair wage rates established for such occupation and for such period of time as shall be fixed by the department and stated in the license

Section 10 If the department has reason to believe that any employer is not observing the provisions of any directory order made by it under this act the department may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be published as having failed to observe the provisions of such order If after such hearing the department shall find that such employer is guilty of nonobservance the department may cause to be published in a newspaper or newspapers circulating within the Commonwealth of Pennsylvania or in such other manner as the department may deem appropriate the name of any such employer or employers as having failed in the respects stated to observe the provisions of the directory order of the department Neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor employe thereof shall be liable to an action for damages for publishing the name of any employer as provided for in this act unless guilty of some wilful misrepresentation

Section 11 If at any time after a directory minimum fair wage order has been in effect for two months the department is of the opinion that the persistent nonobservance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor more than thirty days after such publication at which all persons in favor of or opposed to the proposed mandatory order may be heard by the department After such hearing if the department adheres to its opinion the department may make the previous directory order or any part thereof mandatory and so publish it

Section 12 At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own initiative and shall on petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner heretofore prescribed in this act Provided That if the order under reconsideration has heretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

Section 13 The department may at any time and from time to time propose such modifications of or additions to any administrative regulations included in any directory or mandatory order of the department without reference to a wage board as the department may deem appropriate to effectuate the purposes of this act provided such proposed modification or additions could legally have been included in the original order In such event notice shall be given of a public hearing to be held by the department not less than fifteen days after such publication at which all persons in favor of or opposed to such proposed modifications or additions may be heard After such hearing the department may make an order putting into effect such proposed modifications of or additions to the administrative regulations as it deems appropriate If the order theretofore been made mandatory in whole or in part by of which the administrative regulations form a part has the department then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 14 All questions of fact arising under this act except as otherwise provided shall be decided by the department and there shall be no appeal from its decision review by the courts from any ruling or holding on a on any such question of fact but there shall be a right of question of law included or embodied in any decision or order of the department

Section 15 Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each the wages paid by him to each and shall furnish to the department upon demand a sworn statement of the same Such records shall be open to inspection by the secretary or any authorized representative of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed Employers shall be furnished copies of orders by the department on request without charge

Section 16 (a) Any employer and his agent or any officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200)

(b) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200) or to undergo imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment in the discretion of the court and each week in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair

wage order and each employe so paid less shall constitute a separate offense

(c) Any employer or the officer or agent of any corporation who shall fail to keep the records required under this act or to furnish such records to the secretary or any authorized representative of the department upon request shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and each day of such failure to keep records requested under this act or to furnish the same to the secretary or any authorized representative of the department shall constitute a separate offense

Section 17 If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court Any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the secretary in his discretion may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

Section 18 If any provisions of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 19 This act shall talke effect thirty days after its enactment into law

The title was read as follows:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

On the question,

Will the House agree to the section?

Mr. GEORGE E. DOWNEY. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title on Page 1, by inserting in line 3, after the word "homes", the following: "newspaper boys"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF VOTE

Mr. FURMAN. Mr. Speaker, I move that the vote by which House Bill No. 1284, Senate Bill No. 233, Printer's No. 60 was ordered to be transcribed for third reading be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which this bill was agreed to on second reading be reconsidered.

The motion was agreed to.

Mr. FURMAN. Mr. Speaker, I move that the vote by which the House agreed to the various sections be reconsidered.

The motion was agreed to.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where heretofore or hereafter real estate shall have been or shall be purchased at tax sale by a county it shall be lawful for the county commissioners in their discretion to permit a redemption of said real estate or part thereof so long as the title thereto remains in the county notwithstanding the period during which the right of redemption existed shall have expired provided all charges penalties and taxes shall be paid as required by law in cases of redemption of property sold to the county at tax sale

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec 1, page 1, line 11, by striking out the words "charges penalties and"

Amend sec. 1, page 1, line 11, by inserting after the word "taxes" the following: "with interest and costs due thereon, but less any penalties"

Amend sec. 1, page 1, lines 11, 12 and 13, by striking out the words "as required by law in cases of redemption of property sold to the county at tax sale"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 In all cases where heretofore or hereafter real estate shall have been or shall be sold to a county at tax sale under one assessment and the said real estate shall have been divided into parcels and the title of record to such parcels shall have become vested in different owners the county commissioners so long as title remains in the county may permit the owner to redeem the parcel to which he or they shall hold title or have an interest of record by having the said parcel assessed in the manner provided by law and the payment of the proportion of all charges penalties and taxes as required by law in cases of redemption as the assessment so placed upon the parcel shall bear to the assessment upon which the sale was had

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, line 8, by inserting after the word "and" the following: "by"

Amend sec. 2, page 2, lines 8 and 9, by striking out the words "charges, penalties and"

Amend sec. 2, page 2, line 9, by inserting after the word "taxes" the following: "with interest and costs due thereon but less any penalties"

Amend sec. 2, page 2, line 9, by striking out the words "as required by law in cases of redemption"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 The county commissioners shall have power to execute and deliver any deeds necessary to render the redemptions authorized by this act effective

Section 4 This act shall become effective immediately upon final enactment

The title was read and agreed to as follows:

An Act relating to the redemption of real estate purchased by counties at tax sale

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON HOUSE BILL NO. 2437

The SPEAKER. The Chair lays before the House the special order fixed for this time on third reading and final passage on House Bill No. 2437.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2437, as follows:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby reenacted and amended to read as follows

An act to regulate and restrain the sale manufacture possession importation and use of alcohol and certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse for the use of members Continuous existence must be proven by satisfactory evidence Any cessation of continuous activity shall be reason for refusal to grant the license The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Corporation" shall mean a corporation or jointstock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accomodating at least thirty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per cent of alcohol by volume except alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor and malt or brewed beverages in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor and malt or brewed beverages as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accomodating at least thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor or malt or brewed beverages for a consideration and any gift in connection with or as a part of a transfer of property other than liquor or malt or brewed beverages for a consideration

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor which take place wholly within the Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

GENERAL POWERS AND DUTIES OF

PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use and delivery of liquor in accordance with the provisions of this act

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke liquor licenses as provided in this act

(e) To lease through the Department of Property and Supplies as agent and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the manufacture or transportation of or having illegal possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power to seize and confiscate without warrant or process except in private homes any liquor alcohol and malt or brewed beverages so illegally possessed manufactured or transported and any stills equipment materials utensils vehicles boats vessels aircraft or any of them which are being used in the manufacture or transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels or aircraft so seized or confiscated shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages to be used for containing liquor or malt or brewed beverages kept or sold under this act

(h) Without in any way limiting or being limited by the foregoing to do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the boards subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor is kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase of liquor and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor kept for sale by the board under this act

(f) The sealing and labeling of liquor sold under this act and of liquor lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses to hotels restaurants clubs and railroad pullman or steamship companies and the conduct management and equipment of licensed places

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

ARTICLE III

PENNSYLVANIA LIQUOR STORES

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in at least two newspapers of general circulation If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him-or her-self and that no application blank shall require the color of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them When there are positions to be filled examinations shall be held at least twice in each year The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examination shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established The examination papers of such candidates shall be marked by committees composed of representatives of the Department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the department and each committee shall consist of three persons The selections made by the presidents of State aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation

All offices places and employment in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on The list of eligibles in any district shall be valid only until the next examination is held in such district

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held [from nine A M to nine P M] during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours or less than seven hours in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The Board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor purchases from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the Board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor to be consumed on the store premises nor shall any person consume any liquor on such premises

Every purchaser of liquor from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the Board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

LICENSES AND PERMITS

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by an application fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every Club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute and seeks a license for a hotel restaurant or club as defined in this act the board shall grant and issue to the applicant a liquor license [entitling him to purchase liquor from a Pennsylvania Liquor Store and in that part of the hotel restaurant or club set out in the license to sell by open bottle glass or other container or in any mixture the liquor so purchased and also malt liquor to the patrons guests or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons guests or members or in private rooms of the building as hereinafter provided and in accordance with the provisions of this act and the regulations made thereunder] The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residental district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed at the time of the final enactment of this act for the sale of liquors and malt liquors

Section 404 Appeals from Refusal of Board to Issue Licenses Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board a surety bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or not less nor more than two individuals each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2,000) or more to be approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be [sued out] collected if and when the licensee's license shall have been revoked as provided in this act

Section 407 License Fees (a) Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred forty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred forty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall before receiving such license pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

[(c) The fees for hotel restaurant or club licenses when applied for and issued on or after

April first but prior to July first shall be three-fourths or the annual fee

July first but prior to October first shall be one-half of the annual fee

October first but prior to January first one-fourth of the annual fee]

[(d)] (c) All license fees authorized under this section shall be collected by the board for the use of the municipalities [except] or townships [of the second class] in which such fees were collected [License fees for liquor licenses issued to hotels restaurants or clubs located in townships of the second class shall be collected by the board for the use of the school districts coextensive with such townships]

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses

(b) [at least one week] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth

(c) In the event that any person to whom a license shall have been issued under the terms of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses [(a) Unless previously revoked every license issued by the board under this act shall expire and terminate on the thirty-first day of December in the year for which the license is issued

(b) Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the board shall prescribe but no license] (a) The Board shall by regulation divide the State into convenient License Districts and shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board shall by regulation fix the License year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the Board of objections to the renewal of his license based upon violation by the licensee of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture transportation use storage importation possession or sale of liquors or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute the license of a licensee shall be renewed [until] when the applicant shall file with the board a new surety bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License [After a license has been issued to a hotel restaurant or club under this act the Attorney General the district attorney

or fifteen or more taxpayers residents of the municipality where the hotel restaurant or club is located may petition the court of quarter sessions of the proper county for the revocation of such license If after notice and hearing it shall appear to the court that the licensee has violated any law of this Commonwealth or regulation of the board relating to liquor malt liquor or alcohol the court may suspend or revoke the license The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose license is revoked shall be inelligible to have a license or permit under this act or under any other act relating to the manufacture sale or distribution of liquor or malt liquor until the expiration of five years from the date his license was revoked]

After a license has been issued under the provisions of this Act upon the petition of the Attorney General the District Attorney of any County or upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act when a license is revoked the licensee's bond shall be forfeited In all cases where the Board shall suspend or revoke a license it shall set forth its Findings of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt liquor until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any licensee aggrieved by the suspension or revocation of any license issued under this Act may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such appeal shall be taken within twenty days from the date of revocation or suspension upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the petition by the Court after ten days notice to the board which shall be represented in the proceeding by the Department of Justice the court shall either sustain the suspension or revocation of the license modify the order of the Board or reverse the action of the board In all such cases of appeal the court of quarter sessions shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the court may allow a supersedeas if the appellant shall have filed with the clerk of the court to which the appeal was taken a penal bond in the sum of two thousand dollars ($2,000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests or patrons and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

[Liquor may be sold by licensees other than clubs only after seven o'clock ante meridian of any weekday and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held]

(c) Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after midnight or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 412 Sale of Malt or brewed beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person [It shall not be necessary for such licensees to obtain malt liquor retail licenses under the provisions of the Malt Liquor License Law] no licensee under this act shall at the same time be the holder of any other license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt liquor to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt liquor to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensee shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of manadamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each [dining club or buffet car for which a license is desired] of the maximum number of dining club or buffet cars

which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00) [The board shall collect a proportionate license fee for such licenses issued during a license year in such proportions as elsewhere provided in this act in the case of hotels restaurants or club liquor licenses]

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses The board may upon application grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be five hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of five thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution sale and use of liquor

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importer's Licenses The board may upon application grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries and insular possessions of the United States and obtain from manufacturers located within the Commonwealth to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth

The fee for such licenses shall be one thousand dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to the distribution sale and use of liquor malt or brewed beverages alcohol or other alcoholic beverages Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds Every importer shall pay to the Board an additional license fee of ten cents per case on each and every case of twelve quart bottles or the equivalent thereof purchased from such importers by the Board for sale in Pennsylvania Liquor Stores Every importer shall make monthly reports to the Board in accordance with regulations promulgated by the Board on which importers shall show the sales made by the importer to the Board during each calendar month Such reports shall be filed with the Board and payments shall be made to the Board for the tax due on such sales on or before the fifteenth day of the month following the calendar month for which the report is filed On all sales of liquor made by importers to the Board when the liquor shall have been originally purchased from a Pennsylvania manufacturer and on all liquor originally purchased from a Pennsylvania manufacturer and sold by importers to persons outside the Commonwealth of Pennsylvania there shall be allowed an exemption of ten cents per case for which credit may be taken in the reports herein required

Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages

ARTICLE V

LOCAL OPTION

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor [for consumption on premises where sold] in of ?	Yes	
	No	

If a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place in any local option area where the electors have voted against such sales but the sale of malt liquors by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

ILLEGAL ACTS PENALTIES FORFEITURES

Section 601 Restrictions on Sales by Manufacturers or Licensed Importers It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine permit but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

Section 602 Sale by Persons Other Than Manufacturers (a) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

(b) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess any liquor within the Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store But nothing herein contained shall prohibit the possession of liquor purchased from a licensee in accordance with this act or prohibit the possession of wine manufactured by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one year two hundred and fifty gallons Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(c) Except as provided in this act it shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor from any person or source other than a Pennsylvania Liquor Store

(d) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine permit to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board but nothing herein contained shall prohibit the possession of wine as provided in clause (b) of this section

(e) It shall be unlawful for any licensee or the board or any employe of such licensee or of the board to sell furnish or give any liquor or to permit any liquor to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(f) It shall be unlawful for any licensee to sell or offer to sell or purchase or receive any liquor [to any person on credit] or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or beverages so sold are actually transported and delivered to points outside of the Commonwealth

(g) It shall be unlawful for any licensee or the board or any employe or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(h) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(i) It shall be unlawful for any licensee except a Manufacturer on his own premises to advertise in any manner whatsoever on the outside of any licensed premises any liquor or malt or brewed beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value thereof shall not be more than seventy-five dollars

(j) It shall be unlawful for any manufacturer or licensee to give furnish lease or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture of any liquor or malt or brewed beverages unless the original cost thereof shall not exceed twenty-five dollars ($25)

(k) It shall be unlawful for any licensee to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(l) It shall be unlawful for any licensee to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(m) It shall be unlawful for any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(n) It shall be unlawful for any licensee except club licensees to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide

entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee of twenty-five dollars ($25.00) for such permits All such fees shall be paid into the State Stores Fund

(o) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(p) It shall be unlawful for any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(q) It shall be unlawful for any licensee to have alcohol in his possession on the licensed premises

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board

Section 604 Things of Value Not to be Offered [for the Return of Certain Articles] It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverage or to offer or give anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or to offer or give any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define to either trade or consumer provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of Manufacturer It shall be unlawful for a manufacturer to deliver any liquor except in his own vehicles bearing his name and address on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine permit or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) A manager or employe of the board or any employe of the Commonwealth shall not solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor to or purchasing liquor from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances (a) Any room house building boat vehicle structure or place except a private home where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as hereinbefore provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a hotel or restaurant license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or the equivalent thereof to any hotel or restaurant for equipping fitting out or maintaining and conducting either in whole or in part a hotel or restaurant licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as hereinbefore provided no hotel licensee restaurant licensee or club licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage

lien against the same used by a manufacturer in manufacturing liquor nor shall any hotel restaurant or club licensee either directly or indirectly lend any moneys credit or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this act

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not more than three months and for any subsequent offense shall be sentenced to pay a fine of not more than and to undergo imprisonment for a period of not more than one year

(b) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel or aircraft illegally used in the manufacture or transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the same or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle boat vessel or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels and aircraft) publicly destroyed by the sheriff except that the court may order the same or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel or aircraft seized under the provisions of this act and condemned the court shall order a public sale thereof by the sheriff of the county Notice of such sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias The proceeds of such sale shall be paid to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgage or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall given ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation Provided That a license may be issued for such motor vehicle after the public sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (I) a description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such property shall have been seized once a week for three (3) succes-

sive weeks Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property or the holder of a chattel mortgage or contract of conditional sale thereof (II) that he lawfully acquired the same (III) that it was not unlawfully used or possessed by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft was lawfully acquired possessed and used by him or if it appearing that the property was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act

ARTICLE VII

DISPOSITION OF MONEYS

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers' licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine and importers' licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities [except] and townships [of the second class] in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceeding period [On the above dates in each year the board shall pay to the respective school districts coextensive with townships of the second class the license fees collected by it during the period immediately preceeding the date of payment for licenses issued to hotels restaurants or clubs located in townships of the second class]

Section 702 Application Fees and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All application fees and moneys accruing from sales of liquor at Pennsylvania Liquor Stores and all [fines penalties and] forfeitures collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This [act] amendment and re-enactment shall become effective immediately upon its [passage and approval by the Governor except that nothing herein contained shall authorize the sale of any liquor prior to the day when the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states and except that the provisions of this act forbidding the importation of liquor except by Pennsylvania Liquor Stores and purchases not for consumption on the premises except from Pennsylvania Liquor Stores shall not become effective until the first day of January one thousand nine hundred and thirty-four

Prior to January first one thousand nine hundred and thirty-four holders of manufacturers' permits heretofore issued by the Pennsylvania Alcohol Permit Board may sell liquor not for consumption on the premises otherwise than to Pennsylvania Liquor Stores and holders of liquor licenses issued by the board may buy liquor otherwise than from Pennsylvania Liquor Stores and sell it not for consumption on the premises as well as for consumption on the premises but they shall keep such records and make such reports of sales not for consumption on the premises as may be required by the board for the use of the Department of Revenue

The provisions of section four hundred seven clause (c) shall not be effective until January first one thousand nine hundred and thirty-four

For all licenses and permits issued during the year one thousand nine hundred and thirty-three the full annual license or permit fee shall be charged but such licenses and permits shall be valid until midnight of the thirty-first day of December one thousand nine hundred and thirty-four unless sooner revoked as provided in this act And all bonds filed with the board in connection with the issuance of such licenses and permits shall cover the period ending December thirty-first one thousand nine hundred and thirty-four] final enactment

Section 802 Repeal The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws" and all other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

Section 2 The board shall have power to extend existing licenses granted under the act to which this is an amendment for such period of time as to it may appear proper and to provide for the payment of license fees for such period on the schedule of fees provided in this act in order to put into effect the system of staggered license dates provided for in this act and shall have power to terminate such extensions in any licensing district at any time when arrangements have been completed and licenses issued in such district

In the event the board shall establish license districts in any of which the license year for a district shall begin prior to January first one thousand nine hundred and thirty-six all holders of hotel restaurant or club liquor licenses in such districts shall file written applications with the board for licenses for the ensuing license year in accordance with board regulations and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unused portion of the license fee paid by such licensee for the year one thousand nine hundred and thirty-five In the event any licensee shall be refused a license by the board for the ensuing li-

cense year for the district in which his licensed place is located his license shall continue in force for the remainder of the calender year one thousand nine hundred and thirty-five unless revoked or suspended In the event that any person who at the time of the final enactment of this act is the holder of a hotel restaurant or a club liquor license shall fail to apply for a license at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located the holder of such license shall unless his license shall be revoked or suspended continue to operate until the expiration of the license year for which his license issued but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, I shall be very brief, because of the arguments either for or against this bill were made yesterday.

On the floor of this House, the general conversation is that House Bill No. 2437 should pass because it takes care of clubs. That is not a real and substantial reason why it should pass, because House Bill No. 919, as amended, will take care of clubs.

In opposition to this bill, let me call your attention to just two or three main points. First, if you are against the liquor store system, then you would naturally be against the extension of that system. This bill extends it. If you are against a bureaucracy, then you would necessarily be against this bill, because no bill could be written to give to a bureau more power than this bill gives.

Third, if you feel that three men sitting at Harrisburg two or three hundred miles away from a place are the proper ones to decide whose license may be suspended and whose license may be revoked and who may for a most trivial cause inflict a $2000 penalty on a licensee, then, of course, you would be for this bill. But if you think as I think, if you really think that someone at home is better able to decide those questions, then you would be against this bill.

The bill has many good features and the good features are meant to be the horses on which the bad features are to be carried over. For instance, you have the feature relating to the restaurant and the hotel reducing the floor space, reducing the chairs, and you have the feature eliminating the bars. Those features are merely the riders or the horsemen of this bill for the purpose of carrying the load of the bad features of the bill.

I would ask you, members of the House, to vote "no" on House Bill No. 2437 and to vote "aye" on House Bill 919, which carries with it all the good features of this bill and eliminates all the bad features of the bill.

Mr. BLUMBERG. Mr. Speaker and members of the House, if the bill before were the repeal of the entire liquor control system, I could very well understand the arguments advanced by my good friend from Philadelphia, but as was explained when the amendments were before this House, the control system is here to stay at least until the next session, and we are now debating the merits or demerits of the system as a whole. Since this system must continue we now have before us a bill that attempts to do away with the iniquities and to take care of the deficiencies of that system. The bill has many, many good features not mentioned by my friend which are not included in House Bill No. 919, which relates only to clubs. For those reasons and not wishing to take up the time of the House any further, I would ask the House to vote "aye" on this bill.

Mr. ACHTERMAN. Mr. Speaker and members of the House, supplementing the remarks of the gentleman from Philadelphia, Mr. Blumberg, I wish to state to the members of the House that Bill No. 2437 contains within its pages the result of a complete and exhaustive study of the liquor system and the liquor question in Pennsylvania, and that above all it contains within its contents practically every recommendation the Liquor Control Board desired and wished in order to perfect the system now in Pennsylvania. The sole argument advanced by the gentleman from Philadelphia, Mr. Sowers, is a plea to go back to the Brooks high license law, back to a system that helped to create prohibition. It is for those reasons that I am asking the members of this House to vote for House Bill No. 2437 and not return to the old system.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—138

Achterman,	Eberharter,	Long,	Ruffennach,
Allen,	Eroe,	Lovett,	Sarraf,
Altenburg,	Falkenstein,	Male,	Scanlon,
Andrews,	Ferko,	Mallen,	Schrope,
Atkins,	Finnerty,	McCreary,	Shaw,
Baine,	Fitch,	McDermott,	Shepard,
Baker, J. J.,	Flinchbaugh,	McDevitt,	Shortz,
Baldi,	Flynn,	McElroy,	Shreiner,
Barber,	Forrest,	McKinney,	Siegel,
Bernhard,	Furman,	Melchiorre,	Simon,
Blumberg,	Gerard,	Mentzer,	Sinwell,
Boose,	Greenstein,	Moomaw,	Sloan,
Boyer,	Haberlen,	Mooney,	Smith, W. G.,
Bradley,	Hagerty,	Moran,	Sproul,
Brancato,	Haluska,	Moul,	Stank,
Brown, H. S.,	Hamilton, F. P.,	Muir,	Stevens,
Brown, J. E.,	Hamilton, R. S.,	Munley,	Stott,
Brumbaugh,	Harkins,	Nothnagle,	Tumelty,
Burke,	Harmuth,	O'Keefe,	Turner,
Caputo,	Hartman,	Ominsky,	VanAllsburg,
Carson,	Hefferon,	O'Neill,	VanSickle,
Chervenak,	Hermansen,	Patterson, C.,	Weidemann,
Coakley,	Hindman,	Patterson, J. W.,	Weiss,
Cohen,	Hirsch,	Pearson,	Welliver,
Coleman,	Hoffner,	Perry,	Welsh,
Conner,	Holland,	Peters,	Westrick,
Coolahan,	Holstrom,	Pfaff,	White,
Cordier,	Hoopes,	Phillips,	Wickersham,
Davies,	Horst,	Piole,	Winner,
Denning,	Kane,	Powers,	Witkin,
Dent,	Kelder,	Reising,	Woodside,
Diehl,	Kilroy,	Rinn,	Yourishin,
Dilley,	Kinney,	Roan,	Zappala,
Downey, G. E.,	Kobelak,	Robinson,	Zimmerman,
Downey, J. J.,	Linderman,		

NAYS—48

Alexander,	Gates,	Panton,	Spangler,
Arnold,	Gillette,	Parks,	Stewart,
Aukerman,	Green,	Root,	Sumney,
Baker, F. T.,	Hetrick,	Ruth,	Surface,
Boyd, R.,	Jackson,	Schrock,	Terry,
Brennan,	Jones,	Schwab,	Tronzo,
Cannon,	Kelso,	Schwartz,	Trout,
Carr,	LaRue,	Simpson,	Walker,
Castor,	Longaker,	Smith, J. A.,	Wall,
Cochran,	Lynch,	Snyder, F. E.,	Wasserman,
Condon,	Merrell,	Snyder, J. L.,	Wood,
Decker,	Moore,	Sowers,	Sarig,
Duffort,	Murrin,		

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

The following reasons for vote were filed on House Bill Nos. 2436 and 2437.

Mr. FINNERTY. Mr. Speaker, in voting "aye" on House Bills Nos. 2436 and 2437, I realize that there are some features that are not desired by me, but, since this bill is more in the nature of a codification of the liquor law, which of necessity must be in the form of a compromise, it cannot satisfy all parts affected. Therefore unless some measure is passed at this time we may not have any constructive legislation on the subject. These bills generally are far better than the present existing laws and should be enacted into law.

It is our desire to give the State Liquor Store System an extension of time and another trial. These bills are in the best interests of the citizens of this Commonwealth at this time.

Mr. HABBYSHAW. Mr. Speaker, although there are several provisions of this bill of which we do not approve, we feel that there are several others which do merit our support.

Mr. OMINSKY. Mr. Speaker, in voting "aye" on House Bills Nos. 2436 and 2437 I realize that there are some features which may not be desirable by some persons. But since these bills are more in the nature of a codification of the liquor laws which of necessity must be in the form of a compromise, it cannot satisfy all parties affected. Therefore, unless some measure is passed at this time we may not have any constructive legislation on the subject. These bills generally are by far, better than the present existing laws, and should be enacted into law.

It is our desire to give the State Liquor Store System an extension of time and another trial. These bills are in the best interests of the citizens of this Commonwealth at this time.

Mr. SHEPARD. Mr. Speaker, because the administrative desire is to give the Liquor Store system a fair trial and while the bill is not satisfactory to all parties concerned, yet it seems to be the best we can get under the present conditions.

I hope that a fairer bill may be introduced at a later session.

Mr. WOODSIDE. Mr. Speaker, although there are several provisions of this bill of which we do not approve, we feel that there are several others which do merit our support.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 919, entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three to one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importaion and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" permitting hotel restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" is hereby amended to read as follows

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests patrons or members and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

A hotel or restaurant licensee shall in addition to the sales authorized by the other provisions of this act be permitted to sell to any one guest or patron liquor not in excess of one quart in the original container or containers after nine o'clock post meridian until two o'clock ante meridian of any day or days during which the sales of liquor are not prohibited but shall not maintain any counter or bar at or over which liquors are sold to guess patrons or members

Liquor may be sold by licensees other than clubs only after seven o'clock ante meridan of any week day and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

On the question,

Will the House agree to the section?

Mr. MOORE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 4, by striking out the word "section" and insert in lieu thereof "sections two, four hundred and one and"

Amend sec. 1, page 2, line 22, by striking out the word "is" and insert in lieu thereof "are"

Amend sec. 1, page 2, by inserting after line 23, the following sections:

"Section 2. Definitions. The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Association" shall mean a partnership, limited partnership, or any form of unincorporated enterprise owned by two or more persons.

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth.

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least six months, and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act, and which regularly occupies as owner or lessee a clubhouse for the use of members. Continuous existence must be proven by satisfactory evidence. Any cessation of continuous activity shall be reason for refusal to grant the license. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members.

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth, the United States or any other state, territory or foreign country or dependency.

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals, and which, in a city, has at least ten, and in any other place, at least six, permanent bedrooms for the use of guests, a public dining room operated by the same management, accommodating at least [forty] thirty persons at one time, and a kitchen apart from the public dining room, in which food is regularly prepared for the public.

"Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alchoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures which contain more than one-half of one per cent of alcohol by volume, except alcohol and malt liquors.

"Malt Liquor" means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume, by whatever name such liquor may be called.

"Manufacturer" shall mean any person, association, or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of liquor in ths Commonwealth.

"Municipality" shall mean any city, borough, incorporated town, or township of this Commonwealth.

"Package" shall mean any container or containers, or receptacle or receptacles, used for holding liquor as marketed by the manufacturer.

"Person" Every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association," shall mean the partners or members thereof, and as applied to "corporation," shall mean the officers thereof.

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing [meals] food for the public, the place to have an area within a building of not less than [five] four hundred square feet equipped with tables and chairs accommodating a least [fifty] thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor for a consideration, and any gift in connection with or as a part of a transfer of property other than liquor for a consideration.

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs. (a) Subject to the provisions of this act, and regulations promulgated under this act, the board shall have authority to issue a liquor license for any premises kept or operated by a hotel, restaurant or club, and specified in the license, entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store, and to keep on the premises such liquor, and, subject to the provisions of this act and the regulations made thereunder, to sell the same, and also malt liquor, to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person, and liquor for consumption off the premises where sold. Liquor sales for consumption off the premises must be in original sealed packages as purchased from Pennsylvania Liquor Stores and in quantities not in excess of one quart to any person at the retail price not less than 10% above the retail price established by the board. Such licenses shall be known as hotel licenses, restaurant liquor licenses and club liquor licenses respectively"

Amend sec. 1, page 3, line 2, by inserting after the word "liquor" the following: "and malt or brewed beverages by the glass, open bottle or other container and in any mixture."

Amend sec. 1, page 3, line 4, by inserting after the word "guests" the following: "or"

Amend sec. 1, page 3, lines 4 and 5, by striking out with light-faced brackets the words "or members"

Amend sec. 1, page 3, line 13, by striking out with light-faced brackets the words "A hotel or restaurant licensee shall"

Amend sec. 1, page 3, line 13, by striking out with heavy-faced brackets the words "in addition to the"

Amend sec. 1, page 3, lines 14 to 18, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend sec. 1, page 3, line 19, by striking out with heavy-faced brackets the words "of liquor are not prohibited but shall"

Amend sec. 1, page 3, line 19, by striking out with light-faced brackets the words "not maintain any"

Amend sec. 1, page 3, lines 20 to 27, by striking out with light-faced brackets all of said lines, both inclusive, and insert in lieu thereof "Club licensees selling to members only, may sell at any time regardless of day or hour. All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day, and until two o'clock ante meridan of the following day, and shall not sell on Sunday after midnight or on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages

not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," permitting hotel, restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities.

On the question,

Will the House agree to the title?

Mr. MOORE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the word section" and insert in lieu thereof: "sections two, four hundred and one and"

Amend title, page 2, lines 3, 4 and 5 from top of page, by striking out the words "permitting hotel, restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities" and insert in lieu thereof: 'further defining clubs and hotels and regulating sales by licensees"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2572, as follows:

An Act to amend section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of dangers in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last

amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 13 All work of construction building or rebuilding of highways excepting that of repairing and maintenance done under the provisions of this act may be by contract and shall be according to plans and specifications to be prepared in every case by the Department of Highways and in awarding any contract the work shall be given to the lowest responsible bidder with the option on the part of the Secretary of Highways to reject any or all bids if the prices named for the work or materials to be used are higher than the estimated cost or for any other reason appearing to said secretary Every person co-partnership association or corporation before being awarded any contract for the construction or improvement of any State highway or State-aid highway under the provisions of this act shall furnish a bond with sufficient surety or sureties in a sum equal to fifty per centum of the contract price of the work conditioned that the contractor shall well and truly and in a manner satisfactory to the Secretary of Highways complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of said contractor to complete the work as specified or from any damages growing out of the carelessness of said contractor or his or its servants and where the amount of such contract is in excess of five hundred ($500.00) dollars it shall be the duty of the Department of Highways to require every person copartnership association or corporation entering into such contract before commencing work thereunder to execute and deliver to the Commonwealth of Pennsylvania an additional bond for the use of any and every person co-partnership association or corporation interested in a sum equal to fifty per centum of the contract price of the work which bond shall be conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work whether or not the said material or labor enter into and become component parts of the work or improvement contemplated and the prompt payment of a reasonable rental for all construction and dirt moving equipment and tools leased rented or hired and used for the prosecution of the work Such additional bond shall be deposited with and held by the Department of Highways for the use of any party interested therein Every such additional bond shall provide that every person co-partnership association or corporation who whether as subcontractor or otherwise has furnished material or supplied or performed labor or has rented construction and dirt removing equipment and tools in the prosecution of the work as above and who has not been paid therefor may sue in assumpsit on such additional bond in the name of the Commonwealth for his their or its use and prosecute the same to final judgment for such sum or sums as may be justly due him them or it and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expense of any suit Each of such surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the Secretary of Highways

The Secretary of Highways however is hereby authorized and empowered in his discretion to construct build or rebuild by the agents servants and employes of the Department of Highways any highway or highways for the construction building or rebuilding of which he may contract under the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2573, as follows:

An Act to amend paragraph (h) of section two thousand four hundred and eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended directing the Department of Property and Supplies to require bonds from State contractors conditioned on the payment of rental for construction and dirt removing equipment and tools

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (h) of section two thousand four hundred and eight of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended to read as follows

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building and will promptly pay a reasonable rental for all construction and dirt moving equipment and tools leased rented or hired or used for the prosecution of the work Such additional bonds shall be held by the Department of Property and Supplies

for the use of every party who whether as sub-contractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work or has rented construction and dirt removing tools as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individuals sureties approved by the Department of Justice

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2833 (Senate Bill No. 1150), entitled:

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws

The first to the sixteenth sections inclusive were separately read and agreed to as follows:

Section 1 (Fraternal Benefit Societies Defined) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any corporation society order or voluntary association without capital stock organized and carried on solely for the mutual benefit of its members and their beneficiaries and not for profit and having a lodge system and representative form of government or which limits its membership to a secret fraternity having a lodge system and representative form of government and which shall make provision for the payment of benefits in accordance with Section nine hereof is hereby declared to be a Fraternal Benefit Society

Section 2 (Lodge System Defined) Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known into which members shall be admitted in accordance with its constitution laws rital rules and regulations and which shall provide for the holding of periodical meetings shall be deemed to be operating on the lodge system.

Section 3 (Representative Form of Government Defined) Any society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body composed of representatives elected either by the members or by delegates elected directly or indirectly by the members together with such other members as may be prescribed by its constitution and laws provided that the elective members shall constitute a majority in number and not less than the number of votes required to amend its constitution and laws and provided further that the meetings of the supreme or governing body and the election of officers representatives or delegates shall be held as often as once in four calendar years No member under age sixteen shall have voice or vote in the management of the society No member officer representative or delegate shall vote by proxy

Section 4 (Exemption) Except as herein provided every fraternal benefit society secret fraternal beneficial society order or association and fraternal beneficial and relief association operating within the definition of Section One shall be governed by this Act and shall be exempt from all provisions of the insurance laws of this Commonwealth not only in governmental relations with the Commonwealth but for every other purpose and no law hereafter enacted shall apply to them unless they will be expressly designated therein

Section 5 ("Insurer" Not to Apply) The word "Insurer" or any other general designation as used in the laws now in force or hereafter enacted governing any form of insurance whatsoever shall not apply to fraternal benefit societies unless expressly designated therein

Section 6 (Powers Granted) Every such society by its supreme governing or legislative body shall have power to make alter and amend its constitution and laws for the government of the society the management of its affairs the admission and classification of its members the control and regulation of the terms and conditions governing the issue of its benefit certificates and the character or kind of benefits or privileges payable or allowable thereunder the fixing and adjustment of the rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society Such constitution and laws when made and altered and amended shall be the law governing the society and its officers board of directors or managers subordinate or constituent lodges councils or branches and all members and beneficiaries in their relation thereto Each society shall file with the Insurance Commissioner a duly certified copy of its constitution and laws as enacted and as changed added to or amended within ninety days after enactment Printed copies of the same duly certified by the Secretary or corresponding officer thereof shall be prima facie evidence of the legal adoption thereof

Section 7 (Collecting Sufficient Contributions) The laws of every such society from the date of the passage of this Act shall provide that if the stated periodical contributions of the members are insufficient to pay all matured claims in full and to provide for the payment of its benefit fund obligations valued upon a valuation by one of the standards authorized herein and for the creation and maintenance of the funds required by its laws additional or increased rates of contribution shall be collected from the members to meet such deficiency Such laws may also provide that each certificate shall be charged with its proportion of any deficiency disclosed by the valuation herein specified with lawful interest thereon

Section 8 (Waiver of Laws No Personal Responsibility) Unless authorized by express provisions in the constitution and laws of the society no subordinate lodge nor any of its subordinate officers or members shall have power or authority on behalf of the society to waive or modify any of the provisions of the constitution and laws of the society nor to waive any violation forfeiture or default thereof No officer or member of any supreme grand or subordinate body of any such society shall be individually liable for the payment of any of the benefits provided for in its constitution and laws but the same shall be payable only out of the funds of the society and in the manner provided by its laws

Section 9 (Powers to legislate and regulate) Every such society shall provide for the payment of death benefits and may provide for the erection of monuments to mark the graves of its deceased members and shall have power to make alter and amend its constitution and laws for the government of the society to arrange for the management of its affairs the admission and classification of its members to control and regulate terms and conditions governing the issuance of its beneficiary certificates the character or kind of benefits payable or allowable thereunder and the manner in which they are to be paid to

fix and adjust rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society

Section 10 (Liens) Any society may provide for the acceptance of liens against benefit certificates with interest at not less than four per centum per annum in lieu of cash payments but the total of such liens against any benefit certificate shall not exceed its share of the accumulation thereunder Any such society collecting a level rate of contribution under any of its benefit certificates based upon any table of mortality allowed for valuation purposes in this act may grant to members holding such certificates extended and paid up protection or such withdrawal equities as may be allowed under its constitution and laws but no such grants or privileges shall exceed in value the portion of the accumulations to the credit of such certificate at the time such grant or privilege is allowed

Subsection 1 (Certificates to Specify Amount and Conditions) Every beneficiary certificate shall specify the amount of benefits furnished thereunder and shall provide that the certificate charter or articles of incorporation or if a voluntary association the articles of such association the constitution and laws of the society the application for membership and medical examination or health certificate signed by the applicant and all amendments to each thereof shall constitute the agreement between the society and the member Copies of the same certified by the Secretary of the Society or corresponding officer shall be received in evidence of the terms and conditions thereof and any changes additions or amendments to said charter or articles of incorporation or articles of association if a voluntary association constitution or laws made or enacted subsequent to the issuance of the beneficiary certificates shall bind the member and his beneficiaries and shall govern and control the agreement and in all respects the same as though such changes additions or amendments had been made prior to and were in force at the time of the application for membership

Subsection 2 (Other Benefits Permitted) Any society may enter into contracts in such other forms and granting such benefits as its laws may authorize when it shall provide for the accumulation and maintenance of assets required for the payment of such benefits when valued upon an interest basis not exceeding four per centum per annum and mortality standards adopted by it within the limitations provided in the statutes relating to fraternal benefit societies or at the option of the society in the statutes relating to life insurance companies Provided that any certificates issued on a renewable term basis shall set forth clearly thereon the successive future rates of contribution to be paid thereunder and same to be submitted to and approved by the Insurance Commissioner before being issued in this Commonwealth

Subsection 3 (Approval Required and Penalty for Violation) It shall be unlawful for any such society doing business in this Commonwealth to issue sell or dispose of any certificate or contract providing benefits to its membership or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and approved by the Insurance Commissioner and copies filed in the Insurance Department

Any person corporation order or society that shall either as principal or agent issue or cause to be issued any contract or certificate of insurance within this Commonwealth contrary to this section shall be gulty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation order or society the Insurance Cmmissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation order or society (2) refuse for a period not to exceed one year thereafter to issue a new license to such corporation order or society (3) impose a fine of not more than one thousand dollars for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

Section 11 (Members and Beneficiaries) Any person may be admitted to beneficial or general or social membership in any society in such manner and upon such showing of eligibility as the laws of the society may provide and any beneficial member may direct any benefit to be paid to such person or persons entity or interest as may be permitted by the laws of the society provided that no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable in conformity with the provisions of the contract of membership and the member shall have full right to change his beneficiary or beneficiaries in accordance with the laws rules and regulations of the society

Section 12 (Beneficiary Predeceases Member) If any beneficiary under a certificate die before the member and no new designation shall have been made by him and the constitution and laws of the society shall have made no provision for such contingency the benefits under the certificate or certificates shall then be paid to the surviving beneficiary or beneficiaries if any and if none of the beneficiaries named in the certicate shall survive the member the benefits shall then be paid to the executor or administrator of the deceased member to be by him paid over to or divided among the person or persons entitled to the personal estate of such deceased member under the intestate laws of the place of domicile of such member

Section 13 (Minimum Age for Admission) Any such society may admit to beneficial membership any person not less than sixteen and it shall be lawful for minors who have attained the age of sixteen years to make all needed contracts and assume all needful obligations to become members Nothing herein contained shall prevent such society from accepting general or social members

Section 14 (Funds) Any society may create maintain invest disburse and apply an emergency surplus or other fund consistent with the purposes for which such society is organized including hospital and health home thrift pension for its employes patriotic educational and relief or other funds in accordance with its laws Unless otherwise provided in the constitution and laws of the society such funds shall be held invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof All societies hereafter incorporated or foreign societies hereafter admitted shall be one hundred per cent solvent according to the valuation requirements of this act

Section 15 (Funds Securities) The funds from which benefits shall be paid and the funds from which expenses of the society shall be defrayed shall be derived from regular monthly or other periodical rates of contribution paid by the members of the society and accretions of said funds as apportioned in accordance with the constitution and laws of the society and no part of any funds set aside for the payment of benefits shall be used for expenses or other purposes that would impair the valuation of certificates herein provided Except as herein otherwise allowed every domestic society shall invest its funds only in securities permitted by the laws of this Commonwealth for the investment of the reserves of life insurance companies Unless the approval of the Insurance Commissioner shall be first obtained in writing no domestic society shall keep or maintain at a place outside this Commonwealth any securities or other assets except such as are necessary for the collection of current dues and to enable it to comply with the laws of any other state or foreign country for the purpose of transacting business therein

Section 16 (Benefits not Attachable) Every such society is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from all and every state county district municipal and school tax other than taxes on real estate No money or other benefit charity relief or aid to be paid provided or rendered by any such society shall be liable to attachment garnishment or other process or be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary or any other persons who may have a right thereunder either before or after payment

The seventeenth section was read as follows:

Section 17 (Incorporation) From and after the passage of this act fifteen or more persons ten of whom shall be citizens and residents of this Commonwealth having associated themselves together as a fraternal benefit society may be incorporated under the provisions of this act

First The articles of agreement must be signed in duplicate with the names and addresses of at least five of the subscribers and shall be acknowledged before some person empowered to receive acknowledgments of deeds and shall state

(a) The proposed corporate name of the society which shall not so closely resemble the name of any society or insurance company already transacting business in this Commonwealth as to mislead the public or to lead to confusion

(b) The purpose for which it is formed which shall not include more liberal powers than are granted by this Act Any lawful social intellectual educational charitable benevolent moral or religious advantages may however be set forth among the purposes of the society

(c) The mode in which its corporate powers are to be exercised

(d) The place where its principal office shall be located within this Commonwealth

(e) The names residence and official titles of all the officers trustees directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or to the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election shall be held not later than one year from the date of the issuance of the permanent certificate

Second Such articles of agreement and duly certified copies of the constitution and laws rules and regulations and copies of all proposed forms of benefit certificates applications therefor and circulars to be issued by such society and a bond in the sum of five thousand dollars with sureties approved by the Insurance Commissioner conditioned upon the return to applicants of the advanced payments as provided in this section if the organization is not complete within one year shall be filed with the Insurance Commissioner He may require such further information as he deems necessary and if the purpose of the society conform to the requirements of this Act and all provisions of law have been complied with the Insurance Commissioner shall so certify and retain and file the articles of agreement and furnish the incorporator a preliminary certificate authorizing said society to solicit members as hereinafter provided but no preliminary certificate granted under the provisions of this section shall be valid after one year from its date or after such further period not exceeding one year as may be authorized by the Insurance Commissioner upon the cause shown

Third Upon receipt of said certificate from the Insurance Commissioner said society may solicit members for the purpose of completing its organization It shall collect from each applicant the amount of not less than one regular monthly payment in accordance with its table of rates as provided by its constitution and laws and shall issue to each such applicant a receipt for the amounts so collected No society shall incur any liability other than for such advanced payments nor issue any benefit certificates nor pay or allow or offer or promise to pay or allow to any person any death disability or other benefits until

(a) Actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least five hundred dollars each

(b) There shall be established five subordinate lodges or branches into which said five hundred applicants have been initiated

(c) There has been submitted to the Insurance Commissioner under oath of the President and Secretary or corresponding officers of such society a list of such applicants giving their names addresses date initiated name and number of the subordinate branch of which each applicant is a member amount of benefits to be granted rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligations contracted when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August twenty-third one thousand eight hundred and ninety-nine or any higher standard at the option of the society and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience with an interest assumption not higher than four per centum per annum

(d) It shall be shown to the Insurance Commissioner by the sworn statement of the Treasurer or corresponding officer of such society that not less than five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per five hundred dollars of benefits to be effected which payments in the aggregate shall amount to at least five hundred dollars and be credited to the mortuary or disability fund on account of such applicants no part of which may be used for expenses Such advanced payments shall be held in trust during the period of organization and if the organization is not completed within one year as hereinafter provided shall be returned to said applicants

Fourth The Insurance Commissioner may make such examination and require such further information as he deems advisable and upon presentation of satisfactory evidence that the society has complied with all provisions of the law relating to the incorporation of fraternal benefit societies as provided by this Act he shall issue to such society a certificate to that effect and certify in duplicate that all the requirements of this Act in relation to the incorporation of fraternal benefit societies have been complied with and submit said articles of agreement to the Attorney General for examination and if found by him to be in accordance with the provisions of this Act and not inconsistent with the Constitution of this Commonwealth and of the United States he shall certify the same in duplicate to the Governor with his approval endorsed thereon

Upon receipt of such articles of agreement certified as aforesaid the Governor shall in case he approves the same endorse his approval thereon in duplicate and cause letters patent to issue creating the subscribers to the said articles of agreement and their associates into a body corporate with general powers

(a) To have succession by its corporate name perpetually subject to the powers of the General Assembly under the Constitution of the Commonwealth

(b) To maintain and defend judicial proceedings

(c) To make and use a common seal and alter the same at pleasure

(d) To be capable of taking receiving purchasing holding and transferring real and personal property for the purpose of its incorporation

(e) To elect or appoint and remove its officers and agents for the management of its business and the carrying out of its objects and to allow them a suitable compensation

(f) To make a constitution and general laws for the government of the society the management of its affairs the admission and classification of its members and the control and regulations of the terms and conditions governing the issue of its benefit certificates as authorized and provided for by the provision of this Act

(g) To provide for the payment of benefits to its members and their beneficiaries in such manner and for such amounts as may be authorized and directed by its constitution or by-laws not inconsistent with the provisions of this Act To collect from its members by admission fees per capita tax dues or rates of contribution the funds necessary to carry on its business and provide for the payment of its obligations To enter into any obligations necessary for the transaction of its affairs

(h) To carry on its operations through a supreme or governing body board of directors or executive committee and subordinate lodges councils or branches Meetings of its supreme legislative or governing body may be held in any state district province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if the same were held in this Commonwealth but its principal office shall be located in this Commonwealth

Fifth The Secretary of the Commonwealth shall cause

the articles of agreement aforesaid together with the proceedings had thereon and certificate to the Governor after the approval of the Governor has been endorsed on said articles of agreement and letters patent have been issued to be recorded in a book kept for that purpose and he shall return one of the said articles of agreement to the society which shall have the same recorded in the Recorder's office of the county in which the principal office of said society is located

Sixth The Secretary of the Commonwealth shall furnish the Insurance Commissioner with a certified copy of said letters patent and shall also certify the duplicate articles of agreement with all endorsements thereon and file same in the office of the Insurance Commissioner and certified copies of the same may be used in evidence for or against the society with the same effect as the original

On the question,

Will the House agree to the section?

Mr. FLINCHBAUGH. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 17, on Page 11, by inserting in line 24, before the word "From", the word: "Notice"

Amend Section 17, on Page 11, by adding in line 28, after the word "Act", the following: "Notice of intention to apply for articles of incorporation shall be given by advertisement once in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and eighty-four) printed and published in the place where the society shall have its principal office located and in the legal newspaper if any of the proper county. Advertisements shall appear at least three days prior to the day fixed for the filing of the articles of incorporation with the Secretary of the Commonwealth. Said notice shall fix a time for filing objections with the Insurance Commissioner to said proposed incorporation and a hearing thereon shall be held by the Insurance Commissioner after not less than five days notice shall be given to the objectors."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighteenth to the forty-fourth sections and the title were separately read and agreed to as follows:

Section 18 (Incorporation Rights Preserved) Any society heretofore organized or incorporated under any Act of the General Assembly of the Commonwealth of Pennsylvania which is now engaged in transacting business in this Commonwealth may exercise after the passage of this Act all the rights conferred hereby and all the rights powers privileges and exemptions now exercised or possessed by it under its charter or articles of incorporation or articles of association or at its option it may be reincorporated or reorganized hereunder but no society already incorporated shall be required to reincorporate hereunder nor shall its existence as a corporation nor its right to exercise any corporate rights vested in it by virtue of its past incorporation be affected by anything contained herein

Section 19 (Examination) The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employees or other persons in relation to the affairs transactions and conditions of the society

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a Receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 20 (Mergers) No domestic society shall merge with or reinsure with or accept the transfer of the membership or funds of any other society unless such merger reinsurance or transfer is evidenced by articles of agreement in writing setting forth in full the terms and conditions of such merger reinsurance or transfer and a statement describing the character of business the merged society desires to transact which shall conform to that permitted by this Act and filed with the Insurance Commissioner of this Commonwealth together with a sworn statement of the financial condition of each of said societies by its President and Secretary or corresponding officers and a certificate of such officers duly verified under oath of said officers of each of the contracting societies that such merger reinsurance or transfer has been approved by a majority vote of the members of the supreme legislative or governing body of each of said societies or by a referendum vote showing a majority of the subordinate bodies of each of the several societies so merging favorable to such merger

Upon the submission of the said articles of agreement financial statements and certificates in duplicate the Insurance Commissioner shall examine the same and if he shall find such financial statements to be correct and the said articles of agreement to be in conformity with the provisions of this Act and that such merger or transfer is just and equitable to the members of each of said societies he shall approve said merger reinsurance or transfer in duplicate issue his certificate to that effect and thereupon the said articles of agreement reinsurance or transfer shall be in full force and effect Nothing herein contained shall preclude any society from reinsuring all or part of any individual risk with any other society or company

Section 21 (Renewal of License) Foreign societies which are now authorized to transact business in this Commonwealth may continue such business until the first day of April next succeeding the passage of this Act and the authority of such societies may thereafter be renewed annually but in all cases to terminate on the first day of the succeeding April Every license shall continue in full force and effect until the new license be issued or specifically refused For each license or renewal the society shall pay the Insurance Commissioner twenty dollars A duly certified copy of the duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this Act and that it may invest its assets as required by he laws of the state district territory province or country where it is organized

Section 22 (License) No foreign society shall transact any business in this Commonweath without a license from the Insurance Commissioner Any such society may be licensed upon filing with the Commissioner (a) A duly certified copy of its charter or articles of association (b) a copy of its constitution and laws certified by its Secretary or corresponding officer (c) a power of attorney

to the Insurance Commissioner as hereinafter provided (d) a statement of its business under oath of its President and Secretary or corresponding officers in the form required by the Commissioner and duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the Insurance Commissioner of this Commonwealth (e) a certificate from the proper official in its home state province or country that the society is legally organized (f) a copy of its certificate of membership which must show that benefits are provided for by periodical or other payments by persons holding similar certificates (g) a valuation report of its benefit fund obligations in force on December thirty-first last preceding in the manner required by Section twenty-nine of this Act and furnishing the Commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working

Upon compliance with these requirements such foreign society shall be licensed to do business in this Commonwealth until the first day of the succeeding April and such license shall upon compliance with the provisions of this Act be renewed annually as hereinbefore provided

Every foreign society desiring admission to this Commonwealth shall have the qualifications required of domestic societies organized under this Act and have its benefit fund obligations valued upon a valuation by any one of the standards authorized herein and have its assets invested as required by the laws of the state territory district country or province wherein it was organized When the Insurance Commissioner refuses to license any society or revokes its authority to do business in the state he shall reduce his ruling or decision to writing and file the same in his office and shall furnish a copy thereof together with a statement of his reason to the officers of the society upon request and the action of the Insurance Commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the Commonwealth Nothing contained in this or the preceding section shall however be taken or construed as preventing any such society from continuing in good faith all contracts made in this Commonwealth during the time such society was legally authorized to transact business herein

Section 23 (Process of Service) Every forign society now doing business in or applying for admission to this Commonwealth shall by a duly executed instrument filed in the office of the Insurance Commissioner constitute and appoint the Insurance Commissioner or his successors its true and lawful attorney upon whom all lawful processes in any action or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the society and that the authority shall continue in force irrevocable so long as any liability of the society remains outstanding in this Commonwealth

The service of such process shall be made by registered mail or by leaving copies of the same in duplicate in the hands or office of the Commissioner at Harrisburg One copy of such instrument certified by the Commissioner or his deputy as having been served upon him shall be deemed valid service upon the society

When legal process is served upon the Commissioner as attorney for a foreign society he shall forthwith forward one of the duplicate copies of process served on him to its Secretary or corresponding officer or to such other person as may have been previously designated by the society by written notice filed in the Office of the Commissioner As a condition of valid and effective service and of the duty of the Commissioner in the premises the plaintiff in each such process shall pay to the Commissioner at the time of service thereof the sum of two dollars which the said plaintiff shall recover as taxable costs if he prevails in the suit The Commissioner shall keep a record of all such processes which shall show the day and hour of service

Section 24 (Examination of Foreign Societies) The Insurance Commissioner or his deputy or examiner or any person whom he may appoint may examine any foreign society transacting or applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 25 (Exceeding Powers) When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this Act has exceeded its power or has failed to comply with any provisions of this act or is conducting business fraudulently he shall notify the society of his findings in writing the grounds of his dissatisfaction and after reasonable notice require the society on a date fixed to show cause why its license should not be revoked

If on the date named in said notice such objections have not been removed to the satisfaction of the said Insurance Commissioner or the society does not present good and sufficient reasons why its authority to transact business in this Commonwealth should not at that time be revoked he may revoke the authority of the society to continue business in this Commonwealth

Section 26 (Statement not Made Public) Pending during or after an examination or investigation of any society either domestic or foreign the Insurance Commissioner shall make public no financial statement report or finding nor shall he permit to become public any financial statement report or finding affecting the status standing or rights of any such society until a copy thereof shall have been served upon such society at its home office nor until such society has been afforded a reasonable opportunity to answer any such financial statement report or finding and to make such showing in connection therewith as it may desire

Section 27 (Revoking License) Before the Insurance Commissioner shall refuse to license any foreign society or shall revoke its authority to do business in this State he shall furnish to such society a concise statement of his reasons for such proposed refusal or revocation and give notice of a time and place of hearing at which such society may show cause why a license should be granted to it or why the license granted to it should not be revoked as the case may be

Upon request made to the Insurance Commissioner by such society he shall issue subpoenas to summon such witnesses as the society may desire to summon and upon the filing of a petition by such society duly verified by oath showing that the testimony of certain persons named therein is competent and relevant to the issues to be heard by the Commissioner and that such persons are outside the State of Pennsylvania he shall appoint a suitable person duly qualified by law to administer oaths as a Commissioner to take the testimony of such persons at such place or places specified in the petition as the testimony of such witnesses may be obtained Such testimony shall be taken upon oral examination and cross examintion or upon written interrogatories and cross interrogatories as the Insurance Commissioner may determine and when so taken shall be reduced to writing and certified to the Insurance Commissioner by the Commissioner so appointed and shall be made a part of the record of such hearing before the Insurance Commissioner The cost of

issuing said subpoenas shall be paid to the Commissioner by the society

Any notice of hearing required by this act shall be sufficient if sent by registered mail addressed to the society or to its president at its principal office in its home state territory province or country A full and complete record shall be kept of all proceedings had before the Insurance Commissioner at any hearing and all testimony taken at such hearings shall be reported stenographically and the completeness and accuracy of the record shall be certified by the Insurance Commissioner

All decisions rulings and findings of the Insurance Commissioner made under this act together with a statement of his reasons therefor shall be reduced to writing and filed in his office and he shall serve a copy thereof upon the society by registered mail addressed to the society or its president at its principal office in its home state territory province or country and the action of the Insurance Commissioner shall be reviewable upon appeal to the Court of Common Pleas of Dauphin County in the following manner

Any society aggrieved by any decision ruling or finding of the Insurance Commissioner may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the Commissioner officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Thereupon a summons shall issue returnable in ten days and shall be served with a copy of the petition upon the Insurance Commissioner On or before the return day the Commissioner shall file an answer in which he shall allege by way of defense the grounds of his decision He shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken thereon the findings of fact and conclusions if any made by the Commissioner based upon such testimony a copy of all notices and statements of reasons issued and served by the Commissioner in the proceedings and a copy of the decision ruling or finding of the Commissioner with his statement of reasons which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the Commissioner by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the Commissioner's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party made thereafter the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the Commissioner shall be disregarded

Such appeal or other proceeding for review shall be a supersedeas and in every case the said decision order or ruling of the Insurance Commissioner shall be suspended and abide the final determination of the appeal or other proceeding for review

The case shall be heard upon the record certified to the Court by the Commissioner Additional testimony shall not be taken by the Court but the Court may in proper cases remit the record of the Commissioner for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken to the Supreme Court of Pennsylvania as in other cases

In the case of any appeal or other proceeding for review heretofore taken from the decision of the Insurance Commissioner refusing to license any such society or revoking its authority to do business and now pending and undetermined in any Court of this Commonwealth the Court may make an appropriate order remanding the decision ruling or finding appealed from the Insurance Commissioner with directions to proceed in conformity with the provisions of this Act and the making of such order shall restore the status of the appellant society as it was before the making of the decisions ruling or finding appealed from

Section 28 (Annual Statement) Every society transacting business under this Act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its President and Secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such year It shall also furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The Commissioner may at other times require any further statement he may deem necessary to be made relating to such society

Section 29 (Valuation Report) In addition to the annual report herein required each society shall annually report to the Commissioner a valuation of its benefit fund obligations in force on December thirty-first last preceding excluding those entered into within the year for which the report is filed in cases where the contributions for the first year in whole or in part are used for current expenses Such report of valuation shall show as contingent liabilities the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation at not more than four per cent interest less such portion thereof as may have been assumed by other associations or companies and as contingent assets the present mid-year value at the same rate of interest of the future net contributions provided in its Constitution and laws as the same are in practice actually collected

In lieu of the above valuation any society at its option may show the net value of its benefit fund obligations subject to valuation at the rate of interest as hereinbefore provided and said net value when computed in the case of monthly contributions may be the mean of the terminal value for the end of the preceding and of the current certificate years from which said tabular values shall be deducted such portion thereof as may have been assumed by other associations or companies

Each valuation report shall be certified by a competent accountant or actuary or at the request and expense of the society verified by the actuary of the Department of Insurance of the home state of the society and shall be filed with the Insurance Commissioner on or before the first day of April succeeding the submission of the last preceding annual report

The minimum standard of valuation for death benefit fund obligations shall be the National Fraternal Congress Table of Mortality hereinbefore referred to or at the option of the society by any other standard table or a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with an interest assumption of not more than four per cent

Every valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation Any society providing for disability benefits shall keep a separate account of the same in its said valuation report shall charge as a liability the balance to the credit of such fund or funds at the date of such valuation Where a combined contribution table is used by a society for both death and permanent and total disability benefits the valuation may be of death benefit only and in such case a separate accounting shall not be required

A report of such valuation with such explanations as the society may deem advisable shall be printed and mailed to each beneficial member of the society not later than July first of each year or in lieu thereof may be published in the society's official paper and the issue containing the same mailed to each beneficial member of the society

Section 30 (Valuation Accumulation Basis) In lieu of the valuation hereinbefore required any society may value its certificates on a basis herein designated "accumulated basis" by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned and by charging him with his share of the losses for each year herein desig-

nated "cost of insurance" and carrying the balance if any to his credit The charge for the cost of insurance may be according to the actual experience of the society as applied to a table of mortality recognized by the law of this Commonwealth and shall take into consideration the amount at risk during each year which shall be the amount payable at death less the credit to the member

Unless specifically provided in its constitution or laws no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit If after the first valuation any member's share of losses for any year exceeds his credit including the contributions for the year the contributions shall be increased to cover his share of the losses

Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on transfer shall be entitled to take such application to his credit as provided in the laws of the society Certificates issued rerated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumption for mortality and interest recognized by the law of this Commonwealth shall be valued on such basis herein designated the "tabular basis" Provided that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate the same shall be valued on the accumulation basis

Whenever in any society having members upon the tabular basis and upon the accumulation basis the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year the deficiency may be met for years from the available funds after setting aside all credits in the reserve or from increased contributions or by an increase in the number of assessments applied in the society as a whole or to classes of members as may be specified in its laws Savings from a lower amount of death losses may be returned in like manner as may be specified by its laws

If the laws of the society so provide the assets representing the reserves of any separate class of members may be carried separate for such class as if an independent society and the required reserve accumulation of such class so set apart shall not thereafter be merged with the assets of other classes of the society

A table showing the credits to individual members for each year and age of entry and showing opposite such credits the tabular reserve required in the whole life or other plan of insurance specified in the contract according to assumptions for mortality and interest recognized by the law of this Commonwealth and adopted by the society shall be filed by the society with each annual report and also be furnished to each member before July first of each year

In lieu of the aforseaid statement there may be furnished to each member within the same time a statement giving the credit for such member and giving the tabular reserve and level rate required for the transfer carrying out the plan of insurance specified in the contract No table or statement need be made or furnished where the reserves are maintained on the tabular basis For this purpose individual bookkeeping accounts for each member shall not be required and all calculations may be made by actual methods

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis of any society may provide by or pursuant to its laws nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in its constitution and laws If the valuation of the certificates as hereinbefore provided shall show that the present value of future net contributions together with the admitted assets is less than the present value of the promised benefits and accrued liabilities such society shall either collect additional assessments or increase the rates of contribution from the members to meet such deficiency or classify its members according to the adequacy of the rates they are contributing and charge each class with its proportion of any deficiency disclosed by any such valuation

Section 31 (False Statements) Any person or officer member or examining physician of any society authorized to do business under this Act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with the reference to any application for membership or for the purpose of obtaining money from or benefit in any society transacting business under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and imprisonment in the county jail for not less than thirty days or more than one year in the discretion of the Court

Any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this Act shall be guilty of prejury and shall be proceeded against and punished as provided by the statutes of this Commonwealth in relation to the crime of perjury

Section 32 (Unlicensed Society Soliciting Members) Any society or person who shall solicit membership for or in any such manner assists in procuring membership in any fraternal benefit society not authorized to do business in this Commonwealth shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars and any society so violating the provisions of this Act shall be denied by the Insurance Commissioner a license or right to do business within this Commonwealth

Any society officer agent or employee of any society neglecting or refusing to comply with or violating any of the provisions of this Act the penalty for which refusal or violation is not specified shall upon conviction thereof be fined not exceeding one thousand dollars or imprisonment in the county jail for not less than thirty days nor more than one year or both at the discretion of the Court

Section 33 (Spreading False Statements) Any person who publishes spreads or communicates or causes to be published spread or communicated any false statement or rumor concerning any fraternal benefit society operating under the provisions of this Act for the purpose of inducing any member to cancel his certificate therein or withdraw therefrom or with the intent to lessen the value of any such certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and imprisonment in the county jail for not less than thirty days nor more than one year at the discretion of the Court

Section 34 (Societies Exempted) Nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of purely social or labor organizations nor to societies which limit their membership to any one hazardous occupation nor to domestic societies which limit their membership to a particular religion or to the employees of a particular city or town designated firm business house or corporation nor to domestic lodges orders or associations of a purely religious charitable and benevolent description which do not provide for a benefit of more than three hundred dollars to any one person in any one year

And this Act shall not be construed to affect or apply to similar societies which do not issue benefit certificates nor to an association of local lodges of a society now doing business in the Commonwealth which provide death benefits not to exceed five hundred dollars to any one person or disability benefits not exceeding three hundred dollars in any one year to any one person or both nor to any contracts of reinsurance business on such plan in this Commonwealth But any society conducting an insurance branch and issuing certificates and paying death

benefits of more than five hundred dollars such insurance branch of that society shall comply with the provisions of this Act

Any society heretofore organized and now actually operating in this Commonwealth which limits its membership to the members of one or more fraternal orders which said members are required to have been proposed elected by ballot initiated and obligated through subordinate lodges under prescribed ritualistic ceremonies shall be regarded as hereby complying with the requirements of this Act [illegible] lodges and the admission of members therein and shall upon compliance with all other provisions of this Act be deemed a fraternal benefit society operating on the lodge system and entitled to a license as such hereunder

Section 35 (Societies Paying Accident Benefits only Licenses) Any fraternal benefit society heretofore organized and incorporated and operating within the definition set forth in section one of this Act providing for benefits in case of death or disability resulting solely from accidents but which does not obligate itself to pay death or sick benefits generally may be licensed under the provisions of this Act and shall have all the privileges and shall be subject to all the provisions of this Act except the provisions requiring valuation of benefit fund obligations and that the certificate shall specify the amount of benefit

Section 36 (Benefical Societies Exempt) Beneficial societies other than those specifically exempted herein without ritualistic work or a representative form of government transacting any class of insurance shall not be required to comply with this Act all such societies or associations shall on and after the passage of this Act file with insurance Commissioner copies of their charter constitution and laws and annually thereafter make a report in such form as the Commissioner may require showing their condition and standing on the thirty-first day of December preceding and of their transactions for the year and the Commissioner may at any time make an examination of the books and accounts of any such society

Section 37 (Change of Location of Principal Place of Business) Any fraternal society within this Commonwealth may change its principal office or place of business to any other place within this Commonwealth A notice that such location has been changed shall be filed by the Secretary of the society under the corporate seal in the Phothonotary's office in the County to which said office or place of business has been removed in the Prothonotary's office in the county from which said office has been removed in the office of the Insurance Department and in the office of the Department of State ten days before the change shall take effect

Section 38 (Notice Required for Agreement with the Beneficiary) No contract between a member of a fraternal benefit society and his beneficiary that the beneficiary or any person for him shall pay such members assessments and dues or either of them shall give the beneficiary a vested right in the benefit certificate or in the benefits or deprive the member of the right to change the name of the beneficiary or revoke the certificate if any issued by the Association provided that such change or revocation be done by written or printed notice to the association in the manner and form provided by its by-laws Provided also that in the event of any contract between the member and a beneficiary a copy of such contract in writing shall be delivered to the home office of the society forthwith If no such copy of the said contract is delivered as above stated and the society in good faith pays the named beneficiary it shall be released from any further liability

Section 39 (Disappearance) No proceeding in any Court of this Commonwealth whereby a person is adjudged a presumed decedent under existing laws shall be binding upon any fraternal benefit society nor shall such finding by any court be offered in evidence as prima facie or other evidence of the death of said presumed decedent in a later proceeding against the society unless thirty days notice of such proceeding is given to the home office of such fraternal benefit society of the time and place of such hearing and opportunity given to said fraternal benefit society to appear in such proceedings as intervenor if it so elects

Section 40 (Junior Membership) Any fraternal benefit society authorized to do business in this State and subject to supervision regulation and examination by the Insurance Commissioner may provide in its laws in addition to other benefits provided for therein for insurance and or annuities upon the lives of children at any age upon the application of some adult person as the laws of such society may provide Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children nor shall they have any voice in the management of the society

Subsection 1 (Contributions) The contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six" the "American Experience Table" and Craig's Extention thereof or such other mortality table as may be approved by the Insurance Commissioner with an assumed rate of interest not exceeding four per cent

Subsection 2 (Reserve Requirements) Any society issuing such benefit certificates shall maintain on all such certicates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided herein

Subsection 3 (Powers) A society shall have full power to provide for means of enforcing payment of contribution designation of beneficiaries and changing such designations and in all other respects for the regulation government and control of such certificates and all rights obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this Act

Section 41 (Repealers) The Act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled an Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as Attorney for service of process providing penalties for any violations of the Act exempting such societies from taxation and certain other societies from its provisions and requring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws and the amendments thereto be and the same is hereby repealed

The Act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 177) entitled an Act authorizing fraternal benefit societies to provide for insurance and annuities upon the lives of children he and the same is hereby repealed.

All other acts or parts of Acts inconsistent with this Act are repealed Provided however that no repeal provided for in this section or otherwise shall affect the rights of societies heretofore incorporated to exercise all the corporate powers possessed by them at the time of the passage of this Act

Section 42 (Constitutionally) The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this Act It is hereby declared as a legislative intent that this Act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 43 (Effect of Act) The provisions of this Act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability incurred or any right accrued and established or any suit or prosecution civil or criminal pending or to be instituted

to enforce any right or penalty or punish any offense under the authority of the repealed laws Any persons who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof

Section 44 This act shall become effective immediately upon final enactment

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 323 as follows:

An Act to amend section two hundred and two hundred two of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing additional penalties for killing fish by pollution or explosions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 200 Pollution of Waters Prohibited Explosives No person shall put or place in any waters within or on the boundaries of this Commonwealth any electricity explosives or any poisonous substances whatsoever for the purpose of catching injuring or killing fish No person shall allow any substance of any kind or character deleterious destructive or poisonous to fish to be turned into or allowed to run bow wash or be emptied into any waters within this Commonwealth [unless it be shown to the satisfaction of the Board of Fish Commissioners or to the proper court that every reasonable and practicable means has been used to abate and prevent the pollution of waters in question by the escape of deleterious substances]

Section 2 That section two hundred two of said act is hereby amended to read as follows

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapter fourteen of this act] shall be sentenced to pay a fine of not less than one hundred dollars and if more than ten fish are killed as the result of such violation then the penalty shall be ten dollars for each fish killed and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners is authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2885 (Senate Bill No. 1262), entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and the fixing of the salaries of a chief minute clerk and assistant minute clerks of the orphans' court in counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 231 Assistant Clerks of Orphans' Court in Counties Where There is a Separate Orphans' Court and Chief Minute Clerk and Assistant Minute Clerks in the Orphans' Court of Counties of the Second Class Compensation The clerk of the orphans' court of each county in which a separate orphans' court is now or hereafter shall be established may appoint an assistant clerk or clerks but only with the consent and approval of said court

The register of wills and ex officio clerk of the orphans' court with the consent and approval of the judges of the said court shall fix the salaries of the assistant clerks of said court

The salaries of the assistant clerks shall be paid out of the fees of said office paid into the treasury of the county upon bills attested by said register and countersigned by a judge of said court Provided however That in the event that the fees received in said office of register of wills be not sufficient to fully pay the register and his assistants then payment shall be made in full to the said register of wills but to his assistants in manner as follows namely Where there is more than one assistant then the balance of fees remaining to the credit of said office of register of wills shall be divided among each of said assistants in proportion as his salary shall stand to the whole

In counties of the second class in which a separate orphans' court is now or hereafter established the judges of said orphans' court shall appoint a chief minute clerk and a sufficient number of assistant minute clerks to per-

form such duties in connection with the business of said court as the judges may direct which court shall fix the salaries of said chief minute clerk . . assistant minute clerks Said salaries shall be paid by the county in the same manner as employes of the office of the register of wills and clerk of the orphans' court Provided that the office of chief assistant clerk and the offices of assistant clerks of the orphans' court shall not be incompatible with the offices of chief minute clerk and assistant minute clerks of said court

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2068 (Senate Bill No. 147), as follows:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be administered by the Department of Welfare of this Commonwealth and the Boards of Trustees of the Mothers' Assistance Funds of the several counties who when acting under the provisions of this act shall be known as Boards of Trustees of Pension Fund for the Blind

In the event that any county shall not have a Board of Trustees of the Mothers' Assistance Fund because of the failure of such county to have accepted the provisions of the Mothers' Assistance Act the trustees of the Old Age Assistance Fund of the county if any shall have the duties and powers of and shall be the trustees for the Pension Fund for the Blind If there shall be neither a Board of Trustees of the Mothers' Assistance Fund nor a Board of Trustees of the Old Age Assistance Fund in the county the Governor shall appoint a board of trustees composed of seven residents of the county who shall be called a Board of Trustess of Pension Fund for the Blind If at any time thereafter a Board of Trustees of a Mothers' Assistance Fund shall be appointed for such county it shall immediately take over the work of the Board of Trustees of Pension Fund for the Blind and this act shall be administered as in other counties

Any trustees of the Pension Fund for the Blind appointed under the provisions of this section shall hold office for a term of six years or until a Board of Trustees of the Mothers' Assistance Fund has been appointed in their county

The Department of Welfare shall have the power and its duties shall be to set up rules and regulations for the administration of this act with the approval of the Welfare Commission

Section 2 Such supervisors and assistants as shall be necessary to exercise general supervision over the administration of this act shall be appointed by the Secretary of Welfare subject as in other cases to the approval by the Governor of the number and compensation of such supervisors and assistants

Section 3 The boards of trustees in the several counties shall appoint such additional investigators and clerical assistants as may be necessary to enable them to distribute pensions for the blind in their respective counties but as far as possible the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act At no time shall the additional expense of administering this act in any county exceed in amount six per centum of the allocation to such county from the appropriation for pensions for the blind

Section 4 Subject to the provisions and under the restrictions contained in this act every blind person who (a) has attained the age of twenty-one years or upwards (b) has three-sixtieth or ten-two hundredth or less normal vision (c) is a citizen of the United States (d) has resided in the Commonwealth for at least five years during the nine years immediately preceding his or her application for a pension and has resided therein continuously for one year immediately preceding the application and (e) is not at the date of making application an inmate of any prison jail or insane asylum or any other public reform or correctional institution shall be entitled to receive from the Commonwealth a pension of thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1,200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1,200) a year

Section 5 (a) All applications for pensions under this act shall be made to the Board of Trustees of Pension Fund for the Blind of the county in which the applicant resides in such form as the Department of Welfare may prescribe No application shall be approved until the board of trustees is satisfied after proper investigation that the applicant is entitled thereto under the provisions of this act and particularly not until an ophthalmologist certificated by the American Board of Ophthalmic Examinations or an oculist duly licensed to practice in Pennsylvania and actively engaged in treatment of the human eye shall have certified in writing as to the diagnosis prognosis and visual acuity of the applicant Any individual whose claim for a pension is denied shall be given an opportunity for a fair hearing before the Department of Welfare

(b) Any blind person eligible to or a recipient of a pension for the blind provided for by existing law shall without further stipulation or qualification become eligible to the provisions of this act

(c) All applications for pensions shall be sworn to or affirmed by the applicant setting forth that all facts are true in every particular

Section 6 The Board of Trustees of Pension Fund for the Blind of a county may require any recipient of pension hereunder to submit to further examination of his eyes by a competent ophthalmologist or oculist at such reasonable times as the board of trustees or the Department of Welfare shall deem necessary unless an ophthalmologist report shows that the recipient is totally or irrevocably blind

Section 7 Before any payment is made to any person under the provisions of this act a complete record shall be made of all matters stated in the application giving the name of the beneficiary the financial condition of the beneficiary and all other matters which shall be from time to time required by the Department of Welfare All such reports shall be made upon forms supplied for the purpose by the Department of Welfare All such reports shall be made in triplicate One copy shall be retained by the local board of trustees one copy shall be forwarded to the Department of Welfare and one copy to the Auditor General All reports shall be sworn to by the investigator and shall be approved by a majority of the board of trustees

Section 8 If any person receiving a pension under this act shall refuse or neglect to comply with any reasonable request of a county board of trustees or of the Department of Welfare for information concerning the qualifications for such pension or who shall on request neglect or refuse to authorize any other person firm or corporation to furnish such information about the pension

recipient or who shall refuse to submit to any examination required by this act the board of trustees may suspend all payments to such recipient until he shall have complied with such requirements

Section 9 If the condition or circumstances of any person receiving a pension under this act should change in such way that the person does not have all the qualifications required to obtain a pension hereunder pension payments to such person shall at once cease

Section 10 Any pension when granted shall commence as of the first day of the calendar month following that on which the application was received by the Board of Trustees of Pension Fund for the Blind

Section 11 (a) All payments under the provisions of this act shall be made monthly direct to the recipient thereof by warrant after requisition as provided by law Provided That the Department of Welfare may appoint a trustee to take charge of the expenditure of the pension granted any applicant when in its option such trustee is necessary In such case the payment shall be made direct to such trustee upon requisition of the department Such trustee shall serve without pay and shall be subject to the rules and regulations which the department shall prescribe

(b) It shall be lawful for the Department of Welfare at any time not less than thirty days after the death of the beneficiary to authorize the payment of any grants due to such deceased beneficiary to the wife children father or mother sister or brother (preference being given in the order named) of the deceased beneficiary as the board directs without requiring letters testamentary or of administration to be issued upon the estate of said deceased beneficiary

Section 12 Pensions under this act and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature including any moneys contributed by the United States Government for this purpose Allocations of amounts available for pensions shall be made by the Department of Welfare among the several counties according to the number of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year Should the amount available for blind pensions for any biennium be not sufficient for that biennium then all the blind persons who are eligible under the provisions of this act shall receive the full amount of their pension until the funds available have become exhausted

Section 13 The Department of Welfare is hereby empowered and authorized to cooperate and enter into cooperative agreements with and to receive contributions from the United States Government for financial assistance to the blind All contributions received hereunder from the United States Government shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriations to the Department of Welfare for the payment of pensions to the blind

Section 14 Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means obtains or attempts to obtain or aids or abets any person in obtaining a pension under this act to which he is not entitled shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 16 The act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-six) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilites persons for certain blind persons and the administration of this act by the Department of Welfare the trustees who administer mothers' assistant in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals and providing penalites" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 17 The members of the respective Boards of Pensions for the Blind holding office upon the effective date of this act shall continue in office until the expiration of their terms for which they were appointed unless they are previously removed in the manner provided by law

Section 18 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2928 (Senate Bill No. 19), entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

The first, second and third sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight eleven twelve seventeen twenty one and twenty-two of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred

eighty-six) entitled "An act to provide for the health safety and welfare of minors by forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" are hereby amended to read as follows

Section 2 No minor under [fourteen] sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation except that a minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance Provided however That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment

Section 4 No minor under [sixteen] eighteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation for more than six consecutive days in any one week or more than [fifty-one] forty-four hours in any one week or more than [nine] eight hours in any one day [or]

No minor under sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation before [six] seven o'clock in the morning or after [eight] seven o'clock in the evening of any day Provided That male minors over the age of fourteen may be employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication for not more than fifty-one hours in any one week or more than nine hours in any one day and after six o'clock in the morning and before eight o'clock in the evening In computing the maximum number of hours per day or per week permitted under this act the hours spent in school by said minors shall be considered as part of the working day or working week

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in about or in connection with any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 5 No minor under sixteen years of age shall be employed or permitted to work in [operating or assisting in operating any of the following machines which for the purposes of this act are considered dangerous Paper-lace machines job or cylinder printing-presses operated by power other than foot-power stamping machines used in sheet metal and tinware or in paper or leather manufacturing or in washer and nut factories metal or paper cutting machines corrugating-rolls such as are used in making corrugated paper or in roofing or washboard factories dough-brakes or cracker machinery of any description wire or iron straightening or drawing machinery rolling-mill machinery power punches or shears washing or grinding or mixing machinery calender-rolls in paper and rubber manufacturing or other heavy rolls driven by power laundering machinery upon or in connection with any dangerous electrical machinery or appliances Nor shall any minor under sixteen years of age be employed or permitted to work in any capacity in adjusting or assisting in adjusting any belt to any machinery or in proximity to any hazardous or unguarded belts machinery or gearing while the same is in motion] about or in connection with any manufacturing or mechanical occupation or process nor on scaffolding nor in heavy work in the building trades nor in stripping or assorting [or manufacturing] tobacco nor in any tunnel [nor in a public bowling-alley nor in a pool or billiard-room nor in the manufacture of paints colors or white-lead nor in any capacity in preparing compositions in which dangerous leads or acids are used nor in the manufacture or use of dangerous or poisonous dyes] nor upon any railroad steam electric or otherwise nor upon any boat engaged in the transportation of passengers or merchandise nor in operating motor-vehicles of any description nor in any anthracite or bituminous coal-mine or in any other mine [nor about blast-furnaces nor in or about any distillery brewery or any establishment where alcoholic liquors are manufactured or bottled]

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines in oiling or cleaning machinery in motion in the operation or use of any polishing or buffing-wheel at switch-tending at gate-tending at track-repairing as a brakeman fireman engineer or motorman or conductor upon a railroad or railway as a pilot fireman or engineer upon any boat or vessel in the manufacture of paints colors or white lead in any capacity in preparing compositions in which dangerous leads or acids are used in the manufacture or use of dangerous or poisonous dyes in any dangerous occupation in or about any mine nor in or about [establishments] any establishment wherein gunpowder nitroglycerine dynamite or other high or dangerous explosive is manufactured or compounded [as a chauffer of an automobile or an aeroplane]

No minor under eighteen years of age shall be employed or permitted to work in about or in connection with any establishment where alcoholic liquors are distilled rectified compounded brewed manufactured bottled sold or dispensed nor in a public bowling alley nor in a pool or billiard room

[No minor shall be employed or permitted to work in or in connection with any saloon or bar-room where] [alcoholic liquors are sold] No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors

In addition to the foregoing it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any [other] occupation dangerous to the life or limb or injurious to the health or morals of the said minor as such occupations shall from time to time after public hearing thereon be determined and declared by the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section

Section 8 Before any minor under [sixteen] eighteen years of age shall be employed permitted or suffered to work in about or in connection with any establishment or in any occupation the person employing such minor shall procure and keep on file and accessible to any attendance officer deputy factory inspector or other authorized inspector or officer charged with the enforcement of this act an employment certificate as hereinafter provided issued for said minor

Section 11 Employment certificates shall be of two classes general employment certificates and vacation employment certificates General employment certificates shall entitle [the] a minor [fourteen] sixteen to [sixteen] eighteen years of age to work during the entire year Vacation employment certificates shall entitle [the] a minor fourteen to [sixteen] eighteen years of age to work as herein provided on any day except at such times on such days as such minor is required to attend school under the provisions of the laws now in force or hereafter enacted

Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

Section 12 The official authorized to issue a general or a vacation employment certificate shall not issue such certificate until he has received examined approved and filed the following papers namely

a A statement signed by the prospective employer or by some one duly authorized on his behalf stating that he expects to give such minor present employment and setting forth the character of the same and the number of hours per day and per week which said minor will be employed

b [A school record as hereinafter provided]

[c] A certificate of physical fitness as hereinafter provided

[d] c Proof of age as hereinafter provided

Section 17 It shall be the duty of every person who shall employ any minor under [sixteen] eighteen years of age to acknowledge in writing to the official issuing the same the receipt of the employment certificate of said minor within three days after the beginning of such employment On termination of the employment of a minor under [sixteen] eighteen years of age the employment certificate issued for such minor shall be returned by mail by the employer to the official issuing the same immediately upon demand of the minor for whom the certificate was issued or otherwise within three days after termination of said employment The official to whom said certificate is so returned shall file said certificate and preserve the same Any minor whose employment certificate has been returned as above provided shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer as hereinabove provided accompanied by a certificate of physical fitness issued in the manner hereinabove provided and based upon a reexamination of said minor and certifying that the minor is physically able to undertake the work for which the new employment certificate is to be issued

Section 21 It shall be the duty of every person who shall employ any minor under the age of [sixteen] eighteen years to post and keep posted in a conspicuous place in every establishment wherein said minor is employed permitted or suffered to work a printed [copy] abstract of the sections of this act relating to the hours of labor and a list or lists of all minors employed under the age of [sixteen] eighteen years and a schedule of the hours of labor of such minors The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week the hours for commencing and stopping work and the hours when the time allowed for meals shall begin and end for each day of the week Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule Such copies of the [sections] abstracts of this act and blanks for compliance with [the] its provisions shall be prepared by the Department of Labor and Industry and be furnished by it on application of such employer Every person employing minors under [sixteen] eighteen years of age shall furnish the employment certificates and lists provided for in this act for inspection to attendance officers factory inspectors or other authorized inspectors or officers charged with the enforcement of this act

Section 22 Whenever any minor shall be employed or permitted to work in any establishment or at any occupation who in the judgment of any officer charged with the enforcement of this act is under the legal age for such work or is working at a time forbidden by law for such minor or whenever any minor shall be employed or permitted to work in or in connection with any establishment who in the judgment of any officer charged with the enforcement of this act is under [sixteen] eighteen years of age and for whom the person employing or permitting such minor to work shall not have on file an employment certificate such officer may demand from the person employing or permitting such minor to work that he shall either furnish to such officer within ten days evidence of age as defined in section fifteen of this act that such minor is in fact of legal age for the work in which he is engaged or over or [sixteen] eighteen years of age or over as the case shall be or shall cease to employ or permit such minor to work as aforesaid Provided That such person by thus ceasing to employ or permit such minor to work shall not be relieved from any of the fines or penalties provided in this act for the employment or work of a minor contrary to law In case such person shall fail to furnish to said officer within ten days after the making of such demand the required evidence of age and shall thereafter employ such minor or permit him to work as aforesaid proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such minor in any prosecution brought therefor

Section 2 That section fourteen of said act as amended by the act approved the twenty-first day of March one thousand nine hundred and twenty-nine (P. L. 45) is hereby further amended to read as follows

Section 14 The certificate of physical fitness required by this act shall [be signed by a physician approved by the board of school directors of the school district in which said minor resides and shall] state that the [said] minor has been thoroughly examined by the said examining physician at the time of the application for an employment certicate and is physically qualified for the employment specified in the statement of the prospective employer In any case where the said physician shall deem it advisable he may issue a certificate of [his] physical fitness for a limited time at the expiration of which time the holder shall again appear and submit to a new examination before being permitted to continue at work Provided however That in a school [districts] district of the first second or third [and fourth classes] class the physical examination of a minor provided for by this act shall be made by a physician employed by the board of school directors of the school district in which such minor resides [or employed by the Commonwealth as the case may be]and in a district of the fourth class by a physician appointed by the State Department of Health that the certificate of physicial fitness provided for by this act shall be signed by said physician and that no fee or other compensation for such service shall be required to be paid by such minor or by his parent or guardian

Section 3 That section three of said act as amended by the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 442) and sections thirteen sixteen and nineteen of said act are hereby repealed

The fourth section was read as follows

Section 4 This act shall go into effect on the first day of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 14, lines 12, 13, 14, by striking out the words "on the first day of January, one thousand nine hundred and thirty-six" and insert in lieu thereof "immediately upon its final enactment"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2907 (Senate Bill No. 458), as follows:

An Act relating to the playing of certain sports on Sunday prohibiting such sports on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "municipality" as used in this act shall be construed to include every city borough town and township of this Commonwealth

Section 2 It shall be unlawful for any person copartnership association or corporation to stage or engage in the playing of the game of polo regardless whether a charge or admission thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday before the hour of one o'clock post meridian and after the hour of seven o'clock post meridian

It shall not be unlawful for any person copartnership association or corporation to stage or engage in playing the game of polo regardless whether a charge or an admission thereto or incidental thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday after the hour of one o'clock post meridian and before the hour of seven o'clock post meridian unless the voters in the municipality have first voted against the playing of polo on Sunday during such hours in any municipality wherein the voters have voted against the playing of polo on Sunday it shall be unlawful thereafter to stage or engage in the playing of said game on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian

Any person copartnership association or corporation violating any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any copartnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten days

Section 3 At any general or municipal election there may be submitted in the manner hereinafter provided a question to determine the will of the electors of any municipality in this Commonwealth with respect to the playing of polo on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian Whenever electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding general or municipal election shall in writing petition the corporate authorities of any municipality to cause a question to be submitted to the electors of such municipality at any general or municipal election occurring at least sixty days after the filing of such petition the corporate authorities shall if the petition is sufficiently signed certify the same to the county commissioners who shall cause such question to be submitted to the electors of said municipality at said general or municipal election Such question shall be in the following form

Do you oppose the playing of polo on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns and certify the results of the vote cast on the question to the corporate authorities of the municipality

Any such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 5 In any municipality the will of the electors with respect to the playing of the game of polo on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian may after a prior referendum but not oftener than once in three years be ascertained at a general or municipal election and the question as provided in this act shall be submitted to the electors of any municipality upon demand in writing of petitioners in the manner provided in section three hereof After any such vote the playing of the game of polo on Sunday after the hour of one o'clock post meridian and before

the hour of seven o'clock post meridian shall be lawful or unlawful under section two of this act in accordance with the findings as expressed by the voters at such election

Section 6 Where by the provisions of existing law it is lawful to conduct stage and play any sport other than polo on Sunday between the hours of two o'clock post meridian and six o'clock post meridian it shall hereafter be lawful to conduct stage and play such sports between the hours of one o'clock post meridian and seven o'clock post meridian but only in a municipality wherein the electors have heretofore voted in favor of the conducting staging and playing of such sports on Sunday between the hours of two o'clock post meridian and six o'clock post meridian or wherein the electors shall hereafter vote in favor of the conducting staging and playing of such sports on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian

Section 7 Whenever in this act time is referred to the same shall be construed to mean "eastern standard time" except during the period commencing the last Sunday in April and ending with the last Sunday of September of each year during which period such reference shall be construed to mean "eastern daylight saving time" in those municipalities where daylight saving time is the customary time in common use during such period

Section 8 Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits the playing of the game of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian

All other acts and parts of acts inconsistent with this act are hereby repealed

Section 9 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2912 (Senate Bill No. 1056), as follows:

An Act relating to certain sports on Sundays in cases where an admission is charged permitting certain sports on Sunday for which an admission is charged during certain hours providing for the licensing of exhibitions thereof where an admission charge is made and changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "municipality" as used in this Act shall be considered to mean and include any city borough town or township of this Commonwealth

Section 2 It shall be lawful for any person partnership association or corporation to conduct stage manage operate or engage in the game of tennis although a charge of admission thereto is made and although labor or business is necessary to conduct manage operate or stage the same on the first day of the week commonly called Sunday after the hour of one o'clock post meridian or before the hour of seven o'clock post meridian

Section 3 It shall and may be lawful where admission is charged as aforesaid for any municipality by ordinance to require that a license be first issued by the municipality before it shall be lawful for any person copartnership association or corporation to conduct stage or operate any public exhibition of the game of tennis at which an admission entrance fee or other charge is made And such municipality may impose a reasonable license fee upon any one who shall conduct operate manage or stage a public exhibition of the game of tennis not exceeding twenty-five dollars ($25)

All license fees collected under the provisions of any such ordinance shall be paid into the treasury of the municipality

Section 4 Where by the provisions of existing law it is unlawful to conduct stage and play any sport other than tennis on Sunday between the hours of two o'clock post meridian and six o'clock post meridian it shall hereafter be lawful to conduct stage and play such sports between the hours of one o'clock post meridian and seven o'clock post meridian but only in a municipality wherein the electors have heretofore voted in favor of conducting staging and playing such sports between the hours of two o'clock post meridian and six o'clock post meridian or wherein the electors shall hereafter vote in the manner provided by existing law in favor of conducting staging and playing of such sports on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian

Section 5 Whenever in this act time is referred to the same shall be construed to mean "eastern standard time" except during the period commencing with the last Sunday of April and ending with the last Sunday of September of each year during which period such reference shall be construed to mean "eastern daylight saving time" in those municipalities where daylight saving time is the customary time in common use during such period

Section 6 All acts and parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON HOUSE BILL NO. 2436.

The SPEAKER. The Chair now lays before the House the special order on third reading and final passage fixed for this time on House Bill No. 2436.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2436, as follows:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 75 1933-34) are hereby amended to read as follows

An Act to regulate and restrain the traffic in malt [liquors] and brewed beverages as herein defined providing for the licensing of the sale and distribution of such [liquors] beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such [liquors] beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers the Department of Revenue] the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the ["Malt Liquor License Law"] "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt [liquor"] or brewed beverage" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquors may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons [holding permits issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board of this Commonwealth] holding licenses issued by the board to engage in the manufacture bottling transportation and sale of malt or brewed beverages

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase and resale of malt [liquors] or brewed beverages in the original sealed packages as prepared for the market by the manufacturer but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "retailer" means and includes persons licensed by the treasurer to engage in the retail sale of malt [liquors where the consumption thereof is upon the premises of such vendor with the privilege of selling malt liquors to be carried from the premises by the purchaser thereof only however in the original containers] or brewed beverages as follows

(1) "Retail Dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licenses with the privilege of selling malt or brewed beveraged in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(f) The term "original containers" means and includes bottles casks kegs or other containers that have been securely capped sealed or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(h) "Eating place" means a premise having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(i) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(j) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(k) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(l) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least eight and in any other place at least four permanent bed rooms for the use of guests and a public dining room or eating place operated by the same management having a total area in one or more rooms of not less than three hundred square feet and accommodating at least thirty persons at one time

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt [liquor] or brewed beverages unless such [person] vendor holds a valid [malt liquor retail license] Retail Dispenser License issued under this act by the [treasurer] or a valid license issued under any other act authorizing the sale of spirituous and vinous [and malt] liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another any malt [liquor] or brewed beverages not for consumption upon the premises where sold unless such person holds a valid [manufacturer's permit issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board or a valid distributor's or retailer's malt liquor license issued by the treasurer] license issued under this act permitting such sale

Section 5 [Malt Liquor Distributors' Licenses The treasurer shall issue to any person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a malt liquor distributor license for the place at which such person desires to sell malt liquors not for consumption on the premises where sold] Manufacturers' and Distributors' Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturerer's license issued by the board The Board shall issue to any person of good repute who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original packages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth The application for such license shall contain the name and address of the Applicant together with information concerning the size capacity equipment and location of all plants or places of storage to be used for the purpose of such license and where Applicant is a Corporation the names and addresses of all officers and Directors of the Corporation a statement that the corporation is organized or registered under the laws of the Commonwealth and that all officers and

directors are citizens of the United States and that at least fifty-one per centum of the capital stock of the Corporation is owned by persons who are citizens of the United States and such other necessary information as the board shall require All such licenses shall be granted for the calendar year and where a license runs for less than the full calendar year the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original packages as prepared for the market by the Manufacturer Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable Corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania

Section 6 Malt [Liquor] and Brewed Beverage Retailer's Licenses (a) Subject to the restrictions hereinafter provided the [treasurer] board shall issue to a person who conducts a reputable hotel or any reputable incorporated club [whatsoever] or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a [malt liquor retailer] retail dispensers license for such place

Such licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

No [malt liquor retailer] retail dispensers license shall be granted [for the sale of malt liquors for consumption on the premises] in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt [liquors] or brewed beverages may be sold for consumption on the premises where sold

Section 7 Appeals from Refusal of Licenses Any person aggrieved by the [treasurer's] refusal of the board to issue a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the [treasurer] board whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the [treasurer who] Board which shall be represented in the proceeding by the [district attorney] Department of Justice At said hearing the [treasurer] board after the consideration of which the court shall either sustain the refusal of the [treasurer] board or order an issuance of the license to the applicant There shall be no further appeal

Section 8 Public Service [Malt Liquor] Licenses The [Department of Revenue] board may issue public service malt [liquor] and brewed beverage licenses to a railroad pullman or steamship company permitting malt [liquors] or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding months and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The [Department of Revenue] board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the [Department of Revenue] board in refusing suspending or revoking any such license may within thirty days thereafter appeal to the court of common pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the [Department of Revenue] board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the [department] board as to it shall appear just The action of the court shall be final

Section 9 [Malt Liquor] License Year Mercantile License Exemption (a) Licenses issued under this act to distributors and [retailers and public service companies] retail dispensers shall unless revoked in the manner provided in this act be valid for the [malt liquor] license year [for which they are issued The malt liquor license year shall begin on June first in each calendar year Licenses may be issued at any time during a malt liquor license year] as set up by the board for the particular district in which the license issues

(b) Licenses issued under this Act to Manufacturers and Public Service Companies shall unless revoked in the manner provided in this Act be valid for the calendar year for which they are issued Licenses to manufacturers and Public Service Companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt [liquors] or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt [liquors] or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' and Retailers' Licenses Every person intending to

apply for a distributor's or [or retailer's] retail license as aforesaid in any municipality or township of this Commonwealth shall file with the [treasurer] board his or its application at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act and at the same time pay said [treasurer] board [a] the filing fee of ten dollars [for the use of the county] as specified in this act

Section 11 Application for Distributor's and Retailers' Licenses Application for distributors' and retailers' [malt liquor] licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there [and if an individual the residence of such applicant] and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a Distributors license and the applicant therefor is a Corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that a least fifty-one percentum of the capital stock of the Corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of the Pennsylvania stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter [temporarily] permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter [temporarily] permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt [liquors] or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt [liquors] or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt [liquors] or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the [treasurer] board unless the application contains the information herein required and the premises meet such rasonable sanitary requirements as the Board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retailer dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt [liquors] or brewed beverages but a separate license must be secured for each place where malt [liquors] or brewed beverages are sold [or where orders are taken]

(b) No person shall possess or be issued more than one distributor's license [in any one municipality or township nor shall any] no person shall possess or be issued more than one class of license No distributor shall maintain or operate any place or places whether for sale or for storage other than [that] those for which the license is granted [where malt liquors are sold or where orders are taken] No distributor's license shall be issued for any premises in any part of which there is operated any other license for the manufacture sale or storage of liquor alcohol or malt or brewed beverages

(c) Licenses shall be granted by the [treasurer] board only to reputable individuals or to association partnerships and corporations whose members or officers and directors are reputable individuals

[Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding or to corporations organized in or duly authorized to transact business in this Commonwealth and all of those officers and directors shall be citizens of the United State who have also been residents of this Commonwealth for at least three years immediately preceding the applications for license]

A [malt liquor] retail license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residential district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed for the sale of malt or brewed beverages at the time of the final enactment of this act

Section 13 Revocation and Suspension of Licenses [by Court of Quarter Sessions] (a) After a license has been granted by the treasurer upon petition of the Attorney General the board the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the court of quarter sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt liquors or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said license issued by the treasurer The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until

the expiration of five years from the date his license was revoked]

Upon the Petition of the Attorney General the District Attorney of any County or in the case of a Retail license upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of beverages or relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act In all cases where the Board shall suspend or revoke a license it shall set forth its Finding of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of license issued under this Act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such Appeal shall be upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the Petition by the Court after ten days notice to the Board which shall be represented in the proceedings by the Department of Justice after the consideration of which the Court shall either sustain the suspension or revocation of the license modify or reverse the order of the Board in all such cases of Appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such Appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final In no case shall an Appeal from the action of the Board in either suspending or revoking a license act as a supersedeas

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The [treasurer] board is hereby authorized to transfer any [distributor's or retailer's malt liquor] license from one person to another or from one place to another or both within the same municipality or township as the [treasurer] board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally [Any such transfer of a license may be made at any time] or to a place as to which a license has been revoked within one year of the date of application Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the Board may determine such circumstances to justify its action transfer of licenses may be made only at times fixed by the Board From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the terms of this Act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action or shall have a Receiver appointed by any Court whether by voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the Board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license In all such cases the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee [Applications for any such transfer shall be filed in the office of the county treasurer at least one week before the transfer is made] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except [a fee of ten dollars to be paid to the treasurer for the use of the county] a filing fee of ten dollars ($10)

Section 16 Renewal of Licenses [Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided and the payment of a fee of ten dollars for the use of the county and the payment of the license fee and the filing of a bond as in the case of an original license]

All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in Board regulations Unless within one month of the date of filing of such application for renewal the Applicant shall have been notified by the Board of objections to the granting thereof filed by persons authorized so to do upon the payment of the license fee and the filing of a Bond as in the case of an original application for license the Board shall grant such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file Petitions for the revocation or suspension of licenses as provided in Section Thirteen hereof

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor retailer of either class or to any railroad pullman or steamship company until the license shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed and with Bonds of all applicants except manufacturer's shall have sufficient sureties either personal or a surety company authorized to do business in this Commonwealth Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Such bonds shall not be accepted until approved by the [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies] board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the [sale of beverages or relating to] the manufacture sale possession or transportation of malt or brewed beverages [of] or alcohol or any other alcoholic beverages [Such] All bonds shall be filed with and retained by the board [treasurer in the case of

licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies The penal sums of such bonds filed by a distributor or retailer shall be one thousand dollars for each place at which the license is authorized to sell beverages The penal sums of such bonds filed by railroad pullman or steamship companies shall be one thousand dollars irrespective of the number of licensed cars or ships operated by such companies] The penal sum of Bonds filed by the Manufacturers shall be Ten Thousand ($10,000.00) Dollars for each place at which the licensee is authorized to manufacture The penal sum of Bonds filed by Distributors shall be one thousand ($1,000.00) dollars for each place which the licensee is authorized to maintain The penal sum of bonds filed by all other licensees shall be one thousand ($1,000.00) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand ($1,000.00) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond shall be forfeited when a license is revoked and shall be turned over to the [district attorney or the] Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked as herein provided

Section 19 License Fees Distribution of Revenue No license shall be issued to any manufacturer distributor or [retailer] retail dispenser until the licensee shall have first paid an annual license fee for such grant as follows

[(a) In the case of a distributor the license fee shall be graduated according to the population of the municipality or township in which the place of business is located and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants thirty-seven dollars and fifty cents

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants fifty dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants seventy-five dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants one hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants one hundred and twenty-five dollars

VI In those having a population of one hundred fifty thousand and more one hundred fifty dollars

(b) In the case of a retailer the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants seventy-five dollars]

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants one hundred dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants one hundred and fifty dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants two hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants two hundred and fifty dollars

VI In those having a population of one hundred fifty thousand and more three hundred dollars

(c) In the case of an incorporated club the fee shall be twenty-five dollars in all cases

(d) In the case of a public service license for the sale of malt liquors in dining club and buffet cars the fee shall be ten dollars for each car on which malt liquors are sold and shall be paid to the State Treasurer through the Department of Revenue

(e) In the case of a public service license for the sale of malt liquors on a boat or vessel the fee shall be fifty dollars for each such vessel or boat which shall be paid to the State Treasurer through the Department of Revenue

(f) The fees for distributor retail and public service company malt liquor licenses when applied for and issued on or after

September first but prior to December first shall be three-fourths of the annual fee

December first but prior to March first of the succeeding year shall be one-half of the annual fee

March first but prior to June first one-fourth of the annual fee]

[The license fees fixed by this section shall be paid before the license or renewal is issued

The fees for distributors' and retailers' malt liquor licenses shall be paid by the treasurer to the municipalities and townships in which the licensed places are located for the use of such municipalities and townships The fees for public service malt liquor licenses shall be for the use of the Commonwealth

Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee]

(a) In the case of a Manufacturer the license fee shall be one thousand ($1,000.00) dollars for each place of manufacture and three hundred ($300.00) dollars for each separate place of storage and shall be paid to the Board In the case of a manufacturer who maintains no place of manufacture within the Commonwealth the license fee shall be one thousand ($1,000.00) dollars for a place of storage and three hundred dollars for each additional place of storage and shall be paid to the board

(b) In the case of a Distributor the license fee shall be four hundred ($400.00) dollars and shall be paid to the Board

(d) In the case of a Retail Dispenser the license fee shall be graduated according to the population of the Municipal unit or township in which the place of business is located and shall be paid to the treasurer as follows

		Retail Dispenser
(a)	Less than 10,000	$100
(b)	10,000 and more but less than 50,000	150
(c)	50,000 and more but less than 100,000	200
(d)	100,000 and more but less than 150,000	250
(e)	150,000 and more	300

(d) In the case of an incorporated Club the fee shall be Twenty-five Dollars in all cases and shall be paid to the Board

(e) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(f) In the case of a Public Service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(g) The fee for filing applications for license and for renewals shall be ten dollars which together with fees for transfers shal be paid to the board

(h) The license fees fixed by this Section shall be paid before the license or renewal is issued

(i) The fees for Manufacturers Distributors Public Service and Retail licenses and all filing fees shall be transmitted to the State Treasurer by the Board The fees for manufacturers distributors and public service licenses and filing fees shall be paid into the State Stores Fund Fees paid for Retail Dispensers licenses shall be paid by the Treasurer of the Commonwealth into the Liquor License Fund for the use of Municipalities and Townships in which the licensed places are located and shall be paid over to such municipalities and townships at the same time as other moneys in the Liquor License Fund

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt [liquors] or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt [liquors] or brewed beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manuacfturer maintain or operate any place or places other than the place or places covered by [him] his or its [permit] license where malt

[liquors] or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors No distributor shall purchase receive or resell any malt [liquors] or brewed beverages except in the original containers as prepared for the market by the manufacturer No distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided that no malt [liquors] or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purposes by such distributor

Section 22 Sales by Retailers (a) No retailer shall purchase or receive any malt [liquors] or brewed beverages except in original containers [and thereafter may] as prepared for the market by the manufacturer The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for [use and] consumption [only however in and upon the premises so licensed Provided however That such retailer may sell such malt liquors in the original containers to be carried from the premises by the purchaser thereof] on or off the premises so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises And provided further That no club licensee may sell any beverages for consumption off the premises where sold

No retailer shall [maintain] [any bar at which malt liquors are served to customers or] sell any malt [liquors] or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit [the sale of malt liquors at a lunch counter with seats or chairs permanently fastened thereto if such counter is in an eating place as herein defined A retailer licensed to sell] a retail licensee from selling malt [liquors] or brewed beverages in a hotel or club house [may however sell and deliver such malt liquors] in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

Section 23 Unlawful [Sales] Acts It shall be unlawful [for any licensee or his or its servants agents or employes

(a) To sell trade or barter in malt liquors between the hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday

(b) To sell furnish or give any malt liquors to any person visibly intoxicated or to any insane person or to any minor

(c) To sell furnish or give any malt liquors to any person on any day on which a general municipal special or primary election is being held

(d) In the case of retailers to sell or offer to sell any malt liquors for consumption on the premises where sold to any person on credit excepting credits extended by a hotel or club to a bona fide registered guest or member No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause

(e) To sell offer to sell or furnish any malt liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for malt liquors

(f) To hawk or peddle any malt liquors in this Commonwealth

(g) To manufacture import sell trade or barter in any spirituous vinous or other alcoholic liquors except malt liquors]

(a) For any manufacturer distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(b) For any retail dispenser except clubs or the servants agents or employes of such licensees except clubs to sell trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any day

(c) For any licensee to sell furnish or give any beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(d) For any licensee except a club to sell furnish or give any malt or brewed beverages to any person until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(e) For any licensee to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a Hotel or Club to bona fide registered guests or members No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the Manufacturer Distributor or other Vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the beverages so sold are actually transported and delivered to points outside of the Commonwealth

(f) For any licensee to sell offer to sell or furnish any beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(g) For any licensee except a manufacturer on his own premises to advertise on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage unless the actual value thereof shall be not more than seventy-five dollars ($75.00)

(h) For any manufacturer or distributor to give furnish or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular beverage or the manufacture producer or place of manufacture or production of any beverage unless the actual value thereof shall not exceed twenty-five dollars

(i) For any licensee to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the Manufacturer or place of production of the said beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(j) For any retail dispenser to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing appartus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing aparatus

(k) For any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such beverage was produced This clause shall not be construed to prohibit a manufacturer from desigating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another State or territory when the laws of such State or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(1) For any retail licensees except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any Retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The Board shall have power to provide for the issue of such special permits and to fix a fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(m) For any "Distributor" on the licensed premises to engage in any other business whatsoever except the business of distributing malt or brewed beverages or non-intoxicating beverages

(n) For any Distributor or Retailer to have in his possession on any licensed premises or to permit the storage on the licensed premises of any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

(o) For any licensee to manufacture import sell trade or barter in any spiritous vinous or other alcoholic liquors or alcohol except Malt or Brewed beverages

(p) For any licensee to issue publish or post or cause to be issued published or posted any advertisement of a malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(q) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

(r) For any licensee to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

(s) For any licensee to offer pay make or allow or for any licensee to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages manufactured or sold by the licensee

(t) For any licensee to fail to keep for a period of at least two years complete and truthful records covering the operation of his license and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(u) For any licensee to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(v) For any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(w) For any person to hawk or peddle malt or brewed beverages or to distribute malt or brewed beverages unless an order therefor has been previously received

(x) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture storage transportation or sale or spirituous or vinous liquors alcohol or malt or brewed beverages

(y) For any manufacturer or distributor to sell any malt or brewed beverages for use or delivery within the Commonwealth unless such manufacturer or distributor shall have posted with the Liquor Control Board in accordance with regulations to be promulgated by the Liquor Control Board a price list which shall set forth

(1) All of the brands and types of malt or brewed beverages containing more than one-half of one per centum of alcohol by volume offered for sale by such manufacturer or distributor

(2) The sale price thereof to the various classes of licensees provided for in this act Provided That any manufacturer or distributor may change such postings at any time

Section 24 Things of Value Not to Be Offered [for the Return of Certain Articles] It shall be unlawful for any person licensed to sell malt [liquors] or brewed beverages to offer or give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt [liquors] or brewed beverages or to offer or give anything of value as a premium or present to induce the purchase of such malt [liquors] or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt [Liquors] or brewed beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt [liquors] or brewed beverages from that as originally marketed by the manufacturer

Section 26 Transportation in Original Packages It shall be unlawful for any licensee or transporter for hire to transport any malt [liquors] or brewed beverages except in the original containers

Section 27 Delivery Vehicles to Bear Name and Address of Distributor or Manufacturer It shall be unlawful for a manufacturer or distributor to deliver any malt [liquors] or brewed beverages excepting in vehicles bearing the name and address and license number of such distributor or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor or [or retailer] retail dispenser or an officer director or stockholder or creditor of any distributor or [or of any retailer] retail dispenser nor except as hereinafter provided be the owner proprietor or lessor of any place covered [by] directly or indirectly by any [malt liquor distributor or malt liquor retail] distributor's or retail dispensers license or retail liquor license

(b) No distributor and no officer or director of any distrbutor shall at the same time be a manufacturer or retailer or be an officer director stockholder or creditor of a manufacturer or retailer or be the owner proprietor or lesser of any place covered by any other [malt liquor] malt or brewed beverage or liquor [retail] license

(c) No manufacturer or distributor or retailer licensee licensed under this act shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this act

(d) Excepting as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage lien against the same for which a [malt liquor retail] liquor or retail dispensers license is granted nor shall a manufacturer or distributor either directly or indirectly lend any moneys credit or equivalent thereof to any retailer in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business [where malt liquors are licensed for sale and consumption upon the premises excepting only the usual and customary commercial credits for malt liquors sold and delivered] oper-

ated under a liquor or retail dispenser's license excepting only the usual and customary credits allowed for returning packages or containers in which malt or brewed beverages were packaged for market by the manufacturer

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or mortgage lien against the same for which a [malt liquor distributor] distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to any distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt [liquors] or brewed beverages are licensed for sale by a distributor excepting only the usual [and customary commercial credits for malt liquors sold and delivered] credits allowed for the return of packages or containers in which malt or brewed beverages were originally packaged for the market by the manufacturer

(f) "No Distributor or Retail Dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributors or retail dispensers license excepting only the usual and customary credits allowed for the return of packages or containers in which malt or brewed beverages were packaged for the market by the Manufacturer"

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest [until January first one thousand nine hundred and thirty-six by a manufacturer of any place occupied by a distributor or retailer if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act] by a manufacturer of any place occupied by a distributor importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this Act

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt [liquor] or brewed beverages outside of this Commonwealth

Section 29 Penalty (a) Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine not exceeding five hundred dollars ($500) Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction shall be sentenced to imprisonment for a term of not more than one year

(b) Upon proof being made that any licensee under this Act has violated any of the provisions of this Act the Board may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this Section

Section 30 [Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein]

Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 31 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of any municipal election to determine the will of the electors with respect to the granting of licenses to [retailers of malt liquors] retail dispensers under the provisions of this act Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt [liquor] and brewed beverage retail licenses for consumption on premises where sold in the of	Yes	
	No	

If a majority of the persons voting on such question vote "yes" then malt [liquor] and brewed beverage retail licenses shall be granted by the [treasurer] in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any [malt liquor retail] retail dispenser's licenses in such municipality or township under the provisions of this act

No [retail malt liquor] such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P L 252) and its amendments voted prior to the adoption of this amendment against the granting of retail beverage licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 32A Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 32B (a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributors' licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) All licenses issued to retailers for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the date fixed by the board for the beginning of the license year in the district in which the said retail license is located In the event the person to whom a retailer's license has been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be issued a retail dispenser's license for the ensuing license year for the district in which his licensed place is located such person shall be allowed a credit on the license fee for the license year for such district for the unused portion of the license fee which he has paid In the event a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be refused a retail dispenser's license for the ensuing license year for the district in which his licensed place is located the license theretofore issued to such retailr shall continue in force until the expiration of the license year for which issued unless previously revoked or suspended In the event that a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall fail to apply for a retail dispenser's license at the time to be fixed by the board for the filing of applications for the ensuing license year for the district in which such person's licensed place is located the license heretofore issued to such person shall continue in force until the first day of June one thousand nine hundred and thirty-six but such person shall not be eligible to apply for a retail dispenser's license in the district in which the licensed place is located until the expiration of one year after June first one thousand nine hundred and thirty-six

Section 2 This act shall become effective immediately upon final enactment

Section 3 The act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled "A Supplement to the act approved the twenty-seventh day of March one thousand nin hundred and twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic liquor license laws' providing for the registering of federal permits also regulating under permit through a Pennsylvania Alcohol Permit Board created in the Department of Welfare the manufacture production distillation development use in manufacture denaturalization redistillation recovery reuse holding in bond holding in storage by bailees for hire sale at wholesale and transportation for hire of any alcohol or alcoholic liquid by certain persons also providing for fees and the disposition thereof also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" and the amendments thereto are hereby repealed in so far as the same relate to the manufacture transportation and sale of malt and brewed beverages and malt liquors

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you, House Bill No. 2436, takes the licensing power from the county treasurers and places it in the Liquor Control Board.

The bill has many provisions in it. I won't discuss them all, but let me call your attention to just this one. The retailer can sell six bottles of beer, the distributor can sell a case, the brewer can sell a case. There is little or no provision for easy distribution of beer so as to put it in the category of food purposes.

The bill is generally restrictive. It provides for suspension and revocation of liquor licenses by the Board. You have heard its provisions discussed here on the floor. If you are for moving the jurisdiction from your county to Harrisburg, then you are for the bill. If you want home rule to remain, then you are against the bill.

I ask you to vote "no" on the bill and I ask you to keep the jurisdiction back in your own county.

Mr. EBERHARTER. Mr. Speaker and members of the house, I just want to say a few words with regard to this

bill, and particularly to the members coming from sections where their constituents are inclined to be dry.

This bill will eradicate many of the evils that have been afflicted upon the distribution of beer, while at the same time it will give better protection to the legitimate dealer and those persons who are entitled to protection. The public has been taken care of in this bill and I would ask everybody to vote "aye" on House Bill 2436.

Mr. VAN ALLSBURG. Mr. Speaker and members of the House, it was my original intention not to permit my voice to be heard in the halls of this House during my first session as a member of the House, but I cannot refrain from expressing a few thoughts regarding this important measure. I am some what surprized at the discussion that I have heard on these bills pertaining to liquor legislation in the past few days. It seems to me that we have forgotten almost entirely the purpose for which this legislation has been prepared. In the general control law we read the words that these acts shall be for the protection of the public welfare, public health, peace and morals of the people of the Commonwealth, and this particular bill No. 2436, states as its purpose, as stated on page three of the bill, "To regulate and restrain the traffic in malt and brewed beverages."

Now, friends, I don't know how many of you have studied this bill carefully. It has had a rather hectic experience during the past few days, and it has been almost impossible to know what is in this bill. I ask you, do you know what is in the bill?

I want to call your attention to the fact that this bill does have one splendid feature. It aims to tighten up on the inspection and policing of licensed places, the sale of liquor in places, but yet it has bad features that far outweigh this one good feature.

I want to call your attention to the fact that on page 6 of this act eating places are defined as follows: "Eating place means a premise having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time." I ask you and the sponsors of this bill if you conscientiously and honestly think that is a fair description of an eating place. It says nothing about food being served. However, on page 12, it does say this "Such licenses shall be issued only to reputable persons engaged in the sale of food or beverages." Now, my interpretation of an eating place is not a place where food is just to be served as a retirement to sell liquor at all—absolutely not. It may consist of rooms, a string of rooms, if you please, extending from the front of a store to the back alley, two by four rooms, providing the sum total of the space available in so many hundred square feet. Think of the condition that may be created by such a provision. Is that regulation in the interest of the welfare of the peaple and their morals and for the youth of this Commonwealth? I say "No". I ask you to consider that fact. If the sponsors can find anything to the contrary, I will be glad to hear from Them. I maintain that they are not eating places. Food to be served is not a requirement according to this bill.

In the second place, we have defined in this bill the meaning of the word "hotel" and "eating place" as I have described it, but there is no definition of a club—absolutely not; no definition of a club. It is a poor excuse as compared to the provisions of the old bill, which it amends. Clubs may be open every day, Sundays and week days according to this bill.

Another provision of the bill is found on page 37, in paragraph "g" which provides that these licensed places may erect advertisements advertising the manufacture and brand of beer providing that the sign by which they do the advertising on the outside of the building shall cost at least seventy-five dollars for the sign. I leave it to you, my friends, who will pay for that sign. I ask you if you are willing to put your stamp of approval on a bill that will make it possible to erect huge signs at all these hot dog stands, advertising beer along our highways? Will you approve such a bill?

Now, there are many other features of the bill that I have noticed, but I am not going to take your time to describe them now. I think those I have mentioned are sufficient.

If you want this sort of legislation, vote for it, but if you are really vitally interested in the development of human character and in the future welfare of our boys and girls, you will not vote for such a bill, nor will you vote for a bill which permits women in these drinking places.

In the original bill, the first part of this bill as prepared, it prohibits dancing and floor shows in these places where they sell malt liquors, but in the hurry the other night those features of the bill were removed—splendid features, and I would have gladly supported the bill under those circumstances.

Members of the House, I submit that we can prepare a better bill and that there is still time to pass a better bill.

I ask you to vote "no" on this bill.

Mr. SURFACE. Mr. Speaker and members of the House, it appears to me that we are going from bad to worse, and particularly in this bill there are some especially pernicious features, as have been pointed out by my colleague from Erie.

For example, on page thirty-four, is permited the selling of liquor at all times regardless of the day or hour. That means on the Sabbath day, that means on election day, at all times regardless of the day or hour. How many persons would like to vote for that kind of bill if they understood it that way? How many would like to live under conditions which permit liquor to be sold on the Sabbath day and on Election day?

It permits the selling to youths after the age of eighteen years. That means you take the young men before they have even reached the flower of manhood and debauch them. It prohibits the selling of liquor to drunken persons and to habitual drinkers, which means that it will let the young men form the habit and then deprive them of the very thing that has ruined their lives. Are we going to vote for this kind of a measure, I say? It says in one place, "An act to prevent the sale of liquor in this state," and then as somebody recently said, instead of preventing the sale of liquor, it provides for it more copiously than in any other bill we have had.

I hope you vote down this pernicious measure.

Mr. EBERHARTER. Mr. Speaker and members of the House, the gentleman has stated that this bill permits the sale of beer at all hours. Now, that is not correct. Under the old act the sale of beer was permitted at practically all hours during the week. This bill prevents the sale of beer between the hours of two o'clock in the morning and four o'clock in the morning and in that respect the bill is restrictive.

So far as the matter of dancing and theatricals are concerned, the old bill had no regulations whatever concerning those features. This bill has tightened up in that respect, because it does not permit any licensee to have a theatrical performance or a dancing or floor show of any kind or sort unless he first obtains a permit from the Pennsylvania Liquor Control Board. That will give us much better enforcement, it will enable to Board to stop lewd shows and do away with much of the complaint that has existed in the past in this respect.

Insofar as an eating place is concerned, the requirements formerly were that it should seat forty persons. For the special benefit of the rural sections, where it is many times more difficult to have a place which will seat forty persons, we have cut that to thirty.

Another statement was made, which I want to correct. It was stated that a person must pay seventy-five dollars for a sign. That is not true. The restrictions are that a manufacurer or a distributor of beer is not permitted to give to any retail licensee any sign advertising his particular product which would be of a value of more than seventy-five dollars for an outside sign. The purpose of that is very evident. There has been much abuse by brewers and manufacturers, by out of the state brewers particularly who come to a retail licensee, and offer him a very expensive sign, provided he will use their beverage. The Pennsylvania brewers are unable to compete with the outside manufacturers in that respect, and therefore, this provision on ultra-signs is inserted for the purpose of protecting the Pennsylvania manufacturers.

Members of the House, this bill is restrictive, as I said before in many respects, but I submit to each and every one of you that the act as it has been in the past has been very unsatisfactory, especially insofar as beer regulation is concerned, and this bill attempts to correct the defects and largely comes from the advice of those who have had the enforcement controlled in the past.

I ask the members to vote for this measure.

Mr. SURFACE. Mr. Speaker and members of the House, I hope I have not forgot to read in plain English, but in case I have you may read for yourselves, on page 34, under paragraph "c", "the licensee may sell at any time regardless of the day or hour," and I may say that does not limit it to beer.

I have tried hard to keep up with the amendments in this bill, a 66 page bill, and I spent some time reading one yesterday and one today—

The SPEAKER. The last Printer's No. is 1393. Is that the bill the gentleman is discussing?

Mr. SURFACE. No, No. 1392, Mr. Speaker.

Mr. BLUMBERG. Mr. Speaker and members of the House, I just desire to reply to a few of the arguments made by the gentleman from Erie, Mr. Van Allsburg.

He could not find in the act any definition of an eating place and referred to page 12, to persons engaged in the sale of food and beverages. That, however, is not the definition of an eating place, which on the contrary is found on page 11. I read for the benefit of the House: "Subject to the restrictions hereinafter provided the board shall issue to a person who conducts a reputable hotel or any reputable incorporated club or a reputable bona fide eating place where food is regularly and customarily prepared and sold—"

That will answer the objection that the gentleman raised.

In regard to the statement made by Mr. Surface relative to the time of sale, it is true that so far as clubs are concerned there are no restrictions as to the day or hour, but so far as all of these licensees are concerned, for the first time a provision has been inserted prohibiting the sale of malt beverages after two o'clock in the morning until seven o'clock of the following morning of any day, with no sale on any general municipal or primary election day. That provision is found on page 36, now, of course, Sunday sales are distinctly prohibited except insofar as clubs are concerned

So far as the definition of a club is concerned, that is found in House Bill 2437, and the reason is very obvious, because the license to sell liquors under 2437 includes the right to sell malt beverages.

Mr. TUMELTY. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Blumberg?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BLUMBERG. I will.

Mr. TUMELTY. On page 12, lines 7 to 25, are all of those lines cut out of this bill?

Mr. BLUMBERG. That is correct, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, that would take out that question of selling beverages and using beverages as a place selling malt liquids?

Mr. BLUMBERG. Mr. Speaker, I didn't get the last part of the question?

Mr. TUMELTY. Mr. Speaker, it says, describing an eating place, "engaged in the sale of food and beverages;" that is cut out of the bill altogether, isn't it?

Mr. BLUMBERG. Does the gentleman mean on line 8, Mr. Speaker?

Mr. TUMELTY. On line 8, Mr. Speaker. Lines 7 to 25 are cut out altogether, is that not correct?

Mr. BLUMBERG. That is correct, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I just want to bring out that point, because the gentleman from Erie, Mr. Van Allsburg has brought up the question of food and beverages as if you were selling beverages, you could also sell malt or brewed beverages.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—132

Achterman,	Diehl,	Kinney,	Robinson,
Allen,	Dilley,	Kobelak,	Ruffennach,
Andrews,	Downey, G. E.,	Linderman,	Sarraf,
Arnold,	Downey, J. J.,	Long,	Scanlon,
Atkins,	Duffort,	Lovett,	Schrope,
Baine,	Eberharter,	McDermott,	Shaw,
Baker, J. J.,	Eroe,	McElroy,	Shepard,
Baldi,	Falkenstein,	McHenry,	Siegel,
Barber,	Ferko,	McKinney,	Simon,
Bernhard,	Finnerty,	Melchiorre,	Sinwell,
Blumberg,	Fitch,	Mentzer,	Smith, W. G.,
Boose,	Flynn,	Moomaw,	Sproul,
Boyd, F.,	Forrest,	Mooney,	Stank,
Boyer,	Furman,	Moran,	Stevens,
Bradley,	Gerard,	Moul,	Stone,
Brancato,	Greenstein,	Muir,	Stott,
Brown, H. S.,	Haberlen,	Munley,	Tronzo,
Brown, J. E.,	Hagerty,	Nagel,	Tumelty,
Brumbaugh,	Haluska,	Nothnagle,	Turner,
Burke,	Hamilton, F. P.,	O'Keefe,	VanSickle,
Caputo,	Harkins,	Ominsky,	Walker,
Carr,	Harmuth,	O'Neill,	Weidemann,
Carson,	Hartman,	Patterson, C.,	Weiss,
Chervenak,	Hermansen,	Patterson, J. W.,	Welliver,

Coakley,	Hindman,	Pearson,	Welsh,
Cohen,	Hirsch,	Perry,	Westrick,
Coleman,	Holland,	Peters,	White,
Conner,	Holstrom,	Pfaff,	Wickersham,
Coolahan,	Hoopes,	Phillips,	Winner,
Cordier,	Horst,	Piole,	Witkin,
Davies,	Kane,	Powers,	Yourishin,
Decker,	Kelder,	Reising,	Zappala,
Denning,	Kilroy,	Rinn,	Zimmerman,
Dent,			

NAYS—56

Alexander,	Hefferon,	Moore,	Sowers,
Altenburg,	Hetrick,	Murrin,	Spangler,
Aukerman,	Hoffner,	Panton,	Stewart,
Baker, F. T.,	Jackson,	Parks,	Sumney,
Brennan,	Jones,	Roan,	Surface,
Brownfield,	Kelso,	Root,	Tahl,
Cannon,	Klinger,	Ruch,	Terry,
Castor,	LaRue,	Schrock,	Trout,
Cochran,	Longaker,	Schwab,	VanAllsburg,
Condon,	Lynch,	Simpson,	Wall,
Gates,	Male,	Sloan,	Wasserman,
Gillette,	Mallen,	Smith, J. A.,	Wood,
Green,	McCreary,	Snyder, F. E.,	Woodside,
Habbyshaw,	McDevitt,	Snyder, J. L.,	Sarig,
Hamilton, R. S.,	Merrell,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. OMINSKY. Mr. Speaker, I desire to file the following reason for my vote.

For the reasons enumerated in the reasons for my vote on House Bill No. 2437 I am voting "aye" on this bill.

HOUSE BILL NO. 919 MADE A SPECIAL ORDER

Mr. BURKE. Mr. Speaker, I move that House Bill No. 919 Printer's No. 1378, entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934) entitled, "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties" permitting hotel, restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities.

on page six of today's calendar, bill on third reading be made a special order of business on third reading and final passage on Tuesday, June 12, 1925, 11:30 A. M.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL NO. 2692

The SPEAKER. The Chair lays before the House the special order of business on third reading and final passage, fixed for this time on House Bill No. 2692.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2692, as follows:

An Act relative to the establishment and jurisdiction of magistrate's courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and dutes providing for supervisions of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office providing for penalties for violation of this Act and repealing certain prior Acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwelath of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "1935 Magistrates' Court Act"

Section 2 The twenty-eight Courts established by the second section of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue as therein provided

Section 3 Each of such courts shall be held by one magistrate whose term of office shall be six years and it shall be the duty of the council of the City of Philadelphia on or before the first day of January of every sixth year hereafter and whenever else it may be necessary to fix the general location of each of the such courts by declaring between which streets or roads it shall be so as to be the most convenient for suitors and for the despatch of the public business

Section 4 Such magistrates' courts shall be numbered in regular numerical order and shall be severally styled "Magistrate's Court number....." and shall be located by their numbers by the council of such city

Section 5 Such magistrate's courts shall have a seal with the coat of arms of the State of Pennsylvania engraved thereon and for legend "Magistrate's Court number.....of the city of Philadelphia" inserting the number of the court in such legend

Section 6 The magistrates in office at the date of the approval of this act shall hold their respective offices for their unexpired terms if they shall so long behave themselves well The qualified electors of the City of Philadelphia at large shall at the time fixed for the election of municipal officers in such city immediately preceding the expiration of the term of any magistrate or magistrates elect on the official ballot a successor or successors to any whose terms are about to expire as now provided by law

Section 7 All magistrates shall hold their offices for the term of six years from the first Monday of January next succeeding their election if they shall so long behave themselves well Such magistrates shall be voted for on the official ballot as now provided by law

Section 8 All magistrates hereafter elected or appointed shall have resided for at least five years immediately preceding their election in the City of Philadelphia and must be natural born citizens or naturalized citizens for at least ten years and shall be qualified voters thereof

Section 9 No magistrate shall engage in any other business or profession or hold any other public office or serve as a representative of any political party in any assembly district senatorial district or congressional district or on the executive committee or any other governing body of any political party organization or political party

Each of the magistrates shall devote his entire time and attention so far as the public interest demands to the duties of his office and no magistrate clerk stenographer or other officer or employe provided for herein shall demand or receive for his own use any fees moneys or perquisites of office

Section 10 After the City Council has located the magistrate's courts by numbers and before the magistrates shall enter upon the discharge of their duties they shall assemble in the presence of the Mayor of the City of

Philadelphia and each magistrate shall draw by lot in the order of the alphabetical rotation of their surnames the location of the court which he shall hold till the expiration of his term of office

Section 11 The City Council shall not change the localities of the respective courts during the terms for which the magistrates shall have been elected and thereafter at the expiration of the term of six years for which such magistrates have been elected their successors shall be elected and draw their courts in the manner hereinbefore set forth

Section 12 After the magistrates have drawn their courts as aforesaid it shall be the duty of the mayor of the city to certify to the Governor of the Commonwealth the names of the several magistrates with the number of the court drawn by each and the Governor shall forthwith commission each of such magistrates as of the court drawn by each which commission shall be duly recorded in the office for the recording of deeds for the City and County of Philadelphia

Section 13 Before entering upon the discharge of his duties each of the magistrates shall take and subscribe the following oath before one of the judges of the courts of common pleas for the County of Philadelphia "I do solemnly swear (or affirm) that I will support obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity that I have not paid or contributed or promised to pay or contribute either directly or indirectly any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law that I have not knowingly violated any election law of this Commonwealth or procured it to be done by others in my behalf that I will not knowingly receive directly or indirectly any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office other than the compensation allowed by law" and they and each of them shall give bond in the sum of three thousand dollars ($3,000) with two or more sufficient sureties who shall be freeholders and approved by one of the judges of the courts of common pleas of such county or shall give a surety company bond which bond shall be taken by the prothonotary of such court in the name of the Commonwealth with conditions for the faithful performance of his duties and proper application of all moneys that shall come into his hands as such magistrate Such bond shall be held in trust for the benefit of all persons the City of Philadelphia and the Commonwealth of Pennsylvania who may sustain injury from such magistrate in his official capacity The sureties shall in no case be liable unless proceedings be commenced within six years from the time such cause of action shall accrue Such bond shall forthwith be recorded in the office for the recording of deeds Copies of the record of any such bond recorded as aforesaid and duly certified by the recorder of deeds for the time being shall be good evidence in any action brought against the obligors according to its form and effect in the same manner as the original would be if produced and offered in evidence

Section 14 Should any vacancy happen in the office of magistrate either by death resignation disqualification removal or otherwise such vacancy shall be filled for the full term of six years in the manner hereinbefore set forth at the next succeeding municipal election held in the City of Philadelphia after said vacancy shall happen and it shall be the duty of the Governor in the meantime to appoint and commission a suitable person to fill such vacancy until the first Monday of January next succeeding the first municipal election after such vacancy shall happen Provided however That if such vacancy shall happen within two calendar months before any municipal election the vacancy shall not be filled until the second succeeding municipal election thereafter and the Governor shall appoint and commission a suitable person to fill such vacancy until the first Monday of January after such second municipal election

Section 15 If any magistrate for any cause shall be unable to attend to his official duties he shall notify the Chief Magistrate whose duty it shall be to appoint a substitute magistrate or magistrates to discharge the duties of the absentee until the latter's return to duty

Section 16 A civil and criminal docket shall be kept in each of such courts by the magistrate holding the same in which shall be entered daily, all proceedings of such court including any and all intermediary stages of such proceedings and it shall be the duty of the magistrate receiving any costs fees fines penalties or other moneys to note the same in the margin of the proper docket opposite to the entry of the case in respect to which the same is received with the date at which and the name of the person from whom the same was received together with the date when and the person to whom the same was paid

Section 17 Such dockets shall be open to the inspection of any person during the hours when the court is required to be kept open It shall also be the duty of each of the magistrates to keep a daybook in which he shall enter all costs fees fines and penalties collected by him with the date when the person from whom and the purpose for which the same was received He shall also note therein the time when and the manner in which the same is disposed of and the books and papers of such court including such daybooks shall be the property of the Commonwealth of Pennsylvania They shall pay over to the city treasurer within five days after the first Monday of every month all costs of suits fees fines penalties and other sums of money received during the preceding month excepting constables' fees which shall be paid such constables directly by such magistrates during the preceding month except such costs and judgments as the parties to any proceeding before them may by law be entitled to receive and shall at the same time furnish to the controller of such city under oath or affirmation an accurate account of all moneys so paid either into the city treasury or to such constables The controller of the city shall not countersign any warrant for the monthly payment of the salary of any magistrate until he is satisfied from inspection by himself or deputy of the dockets daybook or other books of such magistrate that such accounts are correct

Section 18 The jurisdiction of each of the magistrates shall extend throughout the City and County of Philadelphia and they shall be by virtue of their office ex officio justices of the peace They shall have all the powers and shall exercise the same jurisdiction civil and criminal (except as herein otherwise provided) as was formerly by law exercised by aldermen of such city and where by law two aldermen were required to hear and determine any matter brought before them the same jurisdiction shall be exercised by one magistrate

Section 19 In all actions brought before such magistrates on any contract for the payment of money either expressed or implied if the plaintiff shall file at any time before the issuing of the summons in any such case an affidavit stating the amount he verily believes to be due from the defendant together with a copy of the book entries or instrument of writing upon which the action is brought or where the claims are not evidenced by writing if the plaintiff shall file as aforesaid an affidavit setting forth a full and detailed statement of the same it shall be the duty of the magistrate to make a copy of such affidavit duly certify the same and deliver it to the constable to whom the summons is issued which certified copy shall be served at the time and in the manner that service is made of the summons in that case and the magistrate shall render judgment in favor of the plaintiff for the amount of his claim unless the defendant at or before the time at which the summons is made returnable shall have filed with the magistrate an affidavit of defense setting forth fully the nature and character of the same Provided That the affidavit required by this action may be made by the agent of the party where such agent is cognizant of the facts constituting the cause of action or defense or other matters set forth And provided further That nothing contained in this act shall be construed to alter impair or abridge the right of any person to appeal from the judgment of the magistrate or

to certiorari the proceedings to the court of common pleas of such county as in other cases

Section 20 In all cases of summary conviction before the magistrates either party may appeal to the court of quarter sessions of the County of Philadelphia upon the allowance of any judge thereof upon cause shown and either party may also appeal from the judgment of such magistrates in a suit for a penalty to the courts of common pleas of such county upon the allowance of any of the judges thereof upon cause shown provided however that this enactment shall not affect any right of appeal under existing laws

Section 21 It shall be the duty of magistrates of the City of Philadelphia as and when their respective terms from time to time expire to deliver to their successors in office all dockets notes bonds and other papers connected with their offices and in case of the death of any magistrate all persons having possession of the books and papers aforesaid of such deceased magistrate shall under like penalties deliver such books and papers to his successor in office or if no successor has been appointed or elected to the magistrate whose court is located nearest to the office of the deceased magistrate In case of neglect or refusal of any magistrate whose term shall have expired to deliver such books and papers to his successor in office he shall be compelled so to do by decree and attachment against him which may be made and issued by any court of common pleas of the County of Philadelphia or by any judge thereof in vacation on application being made therefor by any person and such magistrate to whom such books and papers are delivered shall have power to issue process and proceed thereon with like effect as such magistrate might have done had he continued in office provided that in case the magistrate to whom such books and papers may be delivered shall be a party to or interested in any suit or judgment therein such suit or judgment shall be proceeded in by some other magistrate in such city to whom a transcript shall be furnished as well as the original docket if required on the trial

Section 22 Each magistrate shall select from the constables in commission in the City of Philadelphia such number not exceeding three as shall be necessary to the prompt service of process and the efficient performance of all other duties of constable They shall hold their office at the pleasure of the magistrate shall give bond in manner and form as now required by law and be subject to all liabilities and restrictions have all the powers and perform all the duties now by law attached to the office of constable in the City of Philadelphia

Section 23 Preliminary hearings in criminal cases shall be held in the central police court or central night court and in district station houses as herein provided and not elsewhere

Section 24 There shall be established a central police court in City Hall of the City of Philadelphia to which the Chief Magistrate shall assign in rotation in the manner prescribed by the Board of Magistrates one magistrate to be on duty from the hours of seven ante meridian to the hour of four post meridian Such Court shall be in continuous session provided however that the magistrate on duty may declare a recess of one hour at any time in his discretion and provided further that no more than three such recesses shall be declared in any such period from seven ante meridian to four post meridian

Section 25 There shall further be established a central night court in City Hall of the City of Philadelphia to be in continuous session from the hours of four post meridian to seven ante meridian and it shall be the duty of the Chief Magistrate to appoint in rotation in the manner prescribed by the Board of Magistrates two magistrates one to be in continuous session from the hours of four post meridian to the hour of eleven thirty post meridian and the other from the hour of eleven thirty post meridian to the hour of seven ante meridian respectively

Section 26 It shall be the duty of the Chief Magistrate to select not more than twenty district station houses for criminal hearing after consultation with the Superintendent of Police of the city of Philadelphia and it shall be his duty to appoint in rotation in the manner prescribed by the Board of Magistrates magistrates to serve as committing magistrates in such district station houses But no magistrate shall be assigned longer than one month to the same station house in any one year The magistrates so assigned shall be the only ones in whom criminal jurisdiction shall be vested and only during those hours in which they are on duty It is the intention of this section that the Board of Magistrates shall provide a system of rotation whereby the same magistrate shall not be repeatedly assigned to the same police district station house Upon failure of the Board of Magistrates to so provide such system shall be established by the Board of Judges of the Common Pleas Courts of Philadelphia County Upon application by either the District Attorney Superintendent of Police or the Chief Magistrate the said board of judges may if they find that public convenience so requires increase the number of district station houses at which criminal hearings may be held Notice of such application to be given to the other two of the officials herein authorized to make such application

Section 27 Anything hereinbefore provided to the contrary notwithstanding it shall be the right of the magistrates to issue warrants said warrants however to designate as the hearing place the nearest of the twenty district police station houses selected for hearings of criminal cases as provided for in Section twenty-six No warrant shall issue designating any other place for a hearing

Section 28 Where a magistrate holding a preliminary hearing of a person arrested on a criminal charge shall refuse to fix the amount of bail to which such person shall be entitled or shall improperly fix the amount thereof such action on the part of such magistrate shall be reviewed only by habeas corpus proceedings as now provided by law

Section 29 No magistrate shall release on a copy of the charge any person arrested charged with any of the crimes specified in Sections thirty-one and thirty-two except operating an automobile while intoxicated without entry of bail as hereinafter provided

It shall be the duty of the police official in charge of any police district station house to which a prisoner is taken after arrest between the hours of four o'clock post meridian and seven o'clock ante meridian to immediately upon entry of the charge against said prisoner transmit a duplicate of the same by telephone or telegraph to the central police station and the police official in charge of the said central police station is hereby directed to issue an appropriate certificate of the charge to the counsel or a citizen making application therefor on behalf of the prisoner provided that the police official in charge of the police district in which the prisoner is confined shall also on similar request issue such certificate of the charge

Section 30 Further hearings before magistrates in criminal cases shall not be allowed except on statements under oath by the private prosecutor defendant police witnesses or persons in their behalf stating sufficient cause therefor

Section 31 In any hearing in any criminal case before a magistrate notice of the intended discharge of a prisoner for supposed lack or insufficiency of evidence shall be given to the District Attorney so that the latter may review the testimony and give his opinion thereon whether the prisoner should be discharged or held for action by the Grand Jury and this shall apply to the following felonies and misdemeanors abortion arson rape mayhem sodomy buggery robbery burglary murder voluntary and involuntary manslaughter kidnapping bribery forgery perjury extortion lottery gaming house carrying concealed deadly weapons and carrying certain firearms without a license in violation of the Act approved the eleventh day of June one thousand nine hundred thirty-one (Pamphlet Laws four hundred ninety-seven) receiving stolen goods and operating an automobile while intoxicated

Section 32 In cases where a person arrested on a criminal charge shall be entitled to release upon the

posting of bail it shall be the duty of the magistrate holding the preliminary hearing of such person to promptly fix the amount only of such bail and no other magistrate shall receive or consider the sufficiency of such bail Provided nevertheless that this section shall not prevent the magistrate holding any hearing from authorizing bail to be entered without real estate security where in his opinion the evidence produced so warrants except when the person arrested is charged with any of the offenses listed in Section thirty-one or where the offense is any of the following aggravated assault and battery assault and battery with intent to kill blackmail compounding of crimes (under Section ten of the Act approved the thirty-first day of March one thousand eight hundred sixty Pamphlet Laws three hundred eighty-two) larceny of personal property of a value greater than one hundred dollars professional thieving pandering treason sedition sale use and possession of narcotics embezzlement and fraudulent conversion

Section 33 Upon fixing the amount of bail to be required of a person arrested on a criminal charge as hereinbefore provided the magistrate shall forthwith issue to such person a certificate over his hand and official seal stating the name and address of such person the charge upon which he stands accused and directing that he be released upon the posting of the amount of bail determined upon One copy of each such bail certificate issued by each magistrate shall be preserved as a part of his records and one delivered to the Bail Commissioner Any person held to bail shall be kept at the hearing place for a reasonable period of time not less than four hours to enable bail to be entered before being conveyed to the county jail in default thereof

Section 34 It shall be the duty of the Bail Commissioner upon presentation of a properly executed bail certificate as provided in Section thirty-three and upon presentation of sufficient bail in the amount specified in such certificate to receive such bail and to endorse on such certificate over his hand and official seal a statement that sufficient bail as therein required has been posted

Section 35 Such certificate executed by the magistrate holding the preliminary hearing of a person arrested on a criminal charge and endorsed by the Bail Commissioner as provided in Section thirty-four shall be sufficient warrant for the release of any such person arrested on a criminal charge and it shall be the duty of any person holding such person arrested in his custody upon presentation of the certificate so executed and endorsed to restore such person arrested to his liberty

Section 36 The Board of Magistrates shall designate in rotation one or more of their number to act as Bail Commissioners whose duties shall be as set forth in this act

Section 37 The Board of Magistrates also shall have power to appoint a suitable number of investigators clerks stenographers and such other assistants as may be necessary for the proper conduct of the work of the Bail Commissioner's office their number and respective compensations to be fixed by the said Board of Magistrates subject to approval by the Board of Judges of the Courts of Common Pleas of such county

Section 38 Whenever pursuant to law any person or persons charged with the commission of any criminal offense or offenses are admitted to bail by any magistrate for a further hearing or for the action of the Grand Jury and the amount of such bail has been lawfully fixed by such magistrate it shall be the duty of the magistrate acting as Bail Commissioner to make a thorough inquiry into the sufficiency of such bail and he shall make a due and thorough investigation under oath into the financial responsibility of the recognizor or surety and it shall be his duty to take of such recognizor or surety a written justification under oath setting forth (1) the name age and residence of the bondsman (2) a description of the property offered as surety with its exact location and street number in the City of Philadelphia (3) the present value assessed value the amount paid therefore and rent derived therefrom (4) all incumbrances whether mortgages judgment et cetera stating in detail character and amount and when and where recorded or entered and a statement that there are no other incumbrances except as noted (5) that the title to the property is in the bondsman himself and is not subject to any trusts (6) how the property was acquired whether by will or deed making an exact notation of the date and record of registry of the will or recording of the deed giving book and page number (7) a list of all judgments against the bondsman (8) statement in what other cases or for what person or persons if any the bondsman is surety (9) statement as to whether or not the municipal school and other taxes have been paid up to and including the year in which the recognizance is given and (10) what amount is paid or to be paid to the recognizor of bail for giving said bail and what countersecurity is given if any Cash bail in lieu of real estate security may be accepted by the magistrate acting as Bail Commissioner and shall be delivered forthwith to the Clerk of Quarter Sessions and a receipt taken therefor

Section 39 No bail or recognizance aforesaid shall be taken without a justification aforesaid endorsed on the bond or recognizance duly signed and sworn to by such surety recognizor or recognizors in bail

Section 40 The office of the magistrate acting as Bail Commissioner shall be in the City Hall of the City of Philadelphia and shall be open at all hours and there shall be present and on duty at all times at least one magistrate acting as Bail Commissioner

Section 41 A duplicate of every bond justification or certificate shall be kept on file in the Bail Commissioner's office and shall be properly indexed and recorded so that a full and complete list of all sureties and recognizors and all premises offered as security for bail bonds from the date of the taking effect of this act shall be available for the inspection

Section 42 The Board of Magistrates subject to the approval of the Board of Judges of the Courts of Common Pleas of the County of Philadelphia shall fix a schedule of fees and costs to be charged for any service or services or act or acts performed pursuant to the provisions of this act and where necessary in order to provide for the cost of establishing and maintaining the records and indices of the Bail Commissioner's office the Board of Judges of such courts shall have the power of mandamus on the City Treasurer

Section 43 The board of magistrates heretofore established by section twenty-five of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue As soon as practicable after the approval of this act the Governor of this Commonwealth shall select from among the magistrates a chief city magistrate to act as such from the date of appointment for the remainder of the term for which he shall have been elected or appointed as a magistrate and before the expiration of such term the Governor shall select from among the magistrates a chief city magistrate to act as such in succession to him whose term as magistrate is about to expire and to hold office from and after the expiration of such term until his own term as magistrate shall expire and so on from time to time thereafter as the term of office of any magistrate who has been selected chief city magistrate shall be about to expire the Governor shall select from among the magistrates a chief city magistrate to serve until his own term as magistrate shall expire unless removed before such time by action of the Governor Provided however That any magistrate upon being re-elected to office as such magistrate shall continue eligible to re-appointment from time to time as chief magistrate The chief city magistrate in addition to the exercise of all the powers of a magistrate shall be the administrative head of and have general supervision of the business of all of the courts held by magistrates as provided by law and he shall preside and be entitled to vote at all meetings of the board of magistrates Subject to the provisions of this act he shall prescribe the hours for attendance of magistrates and of clerks and employes thereat He shall establish and supervise a system for keeping the records of the magistrates courts and shall have such other powers

and duties as are provided in this act or as otherwise provided by law

Section 44 It shall be the duty of the board of magistrates to meet at least four times in each year at such hour and place as the board may determine and at such other times as it may be convened by the chief city magistrate for the consideration of matters concerning the administration of criminal justice in any of the magistrates courts At such meetings the board shall receive or cause to be investigated all complaints presented to it pertaining to such courts and shall take such steps as it may deem necessary or proper in respect thereof and the board shall have the power except as herein otherwise provided and it shall be its duty from time to time to make alter and amend rules regulating the practice and procedure which shall be uniform so far as practicable in all such magistrate courts and which shall not be inconsistent with this act or any other law All rules shall be printed within a reasonable time after their adoption Whenever requested by five or more magistrates the chief city magistrate shall call a special meeting of the board for the purposes set forth in such request

Section 45 There is hereby imposed upon the board of judges of the Common Pleas Courts of Philadelphia County the power and duty to generally supervise the magistrates of the City of Philadelphia and to see to it that they faithfully perform the duties required by this act To that end the said board of judges shall have the power to review the rules and regulations adopted by the board of magistrates and to alter abolish or amend such as are or may become susceptible to abuse and to prescribe such additional rules and regulations as may be found necessary and desirable to safeguard the public promote the convenience thereof and make for better dispatch of business and conduct of hearings The said board of judges shall act upon complaints filed or may act of their own motion and may investigate into the conduct of the magistrates as may be necessary or desirable The said board of judges may authorize one or more of the judges sitting in the quarter sessions court to call before such court any or all of the magistrates charged with or known to be violating the provisions of this act or the rules or regulations adopted thereunder and to give such instructions to correct such improper acts or direct such action to be taken to punish such violations as the circumstances may require The Court of Quarter Sessions of the County of Philadelphia shall have jurisdiction to examine correct and punish the contempts omissions and neglects corruptions and defaults of any or all of the magistrates holding office in such county and such court shall have power to compel production of any and all official records of such magistrates or magistrates for such purpose or purposes

Section 46 It shall be the duty of the City of Philadelphia to supply and pay for whatever may be necessary for the transaction of the business of said magistrates courts and to supply all proper court rooms and accommodations including waiting rooms withdrawing rooms dockets blank books legal blanks stationery furniture and equipment and such law books as may be certified by the chief city magistrate to be necessary for the use of the magistrates courts and to pay all salaries compensations expenses and disbursements that are herein or are otherwise authorized by law and it shall be the duty of the council of such city to appropriate annually a sum sufficient to pay such salaries compensations expenses and disbursements Such dockets blank books legal blanks and stationery shall be uniform in character The court rooms waiting rooms and withdrawing rooms accommodations furniture and equipment to be supplied shall be of such character and be kept in such condition of repair cleanliness and useful service at the expense of such city as the chief magistrate with the approval of the City Council shall determine to be necessary or desirable

Section 47 There shall be a clerk for each court held by a magistrate each magistrate being authorized to appoint a clerk to serve in his own court Appointments of clerk shall be during good behavior The duties of each clerk shall be such as shall from time to time be prescribed for him by the magistrate in whose court he is employed and as prescribed by administrative rule or rules to be established by the board of magistrates with the approval of the chief city magistrate

Section 48 The Board of Magistrates shall provide for the appointment of a sufficient number of stenographic clerks whose duty it shall be to take the testimony in all criminal hearings in the places to which they may be assigned and to transcribe the notes thus taken within forty-eight hours if so requested by any person upon payment of the fees fixed for the same The Board of Magistrates by and with the approval of the Board of Judges of the Courts of Common Pleas shall fix the fees to be paid for the transcribing of such notes and such fees shall be paid to the City Treasurer

Section 49 The office of chief clerk and deputy stenographic clerk provided for in Section twenty-nine of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue and whenever a vacancy occurs the Board of Magistrates shall appoint a chief clerk and a deputy stenographic clerk who shall respectively perform such duties as may be required by them by this act and by the chief city magistrate and by rules adopted by the board of magistrates The chief clerk and deputy stenographic clerk shall be entitled to serve so long as they respectively behave themselves well Each clerk of a magistrate's court shall file with the chief clerk each month a report of the criminal business of such magistrate's court during the preceding month and such other reports from time to time as the chief city magistrate shall require The chief clerk shall cause suitable blanks to be prepared and furnished for such purpose

Section 50 On or before the twentieth day of January of each year the chief clerk shall prepare an annual report to the chief city magistrate of the business of all the magistrates' courts on the criminal side during the preceding calendar year and of the attendance and proceedings of the magistrates thereat in such form as the Board of Judges shall prescribe Upon the approval of such annual report by the chief city magistrate and the Board of Judges duly authenticated copies thereof shall be filed with the mayor and comptroller of the City of Philadelphia and the report or a synopsis thereof shall be printed promptly

Section 51 The chief clerk and each clerk of a magistrate's court respectively shall in addition to the duties in this act prescribed keep such records for the use of such chief city magistrate and the board of magistrates as he may be required or directed by the chief city magistrate and the Board of Judges to keep but it shall always be necessary to make a record of the name and address of any attorney appearing in respect of any charge or on any hearing

Section 52 The office or principal or central administrative office provided for by Section thirty-two of the act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) shall continue Through such office as the centre such contact with the several magistrates' courts shall be made and preserved as may be found necessary or desirable for the proper supervision by the chief city magistrate of the work of the magistrates' courts in criminal matters Such central administrative office shall be made available and be used as the office of the chief city magistrate for the performance of his duties as such At such office complaints touching the administration by any magistrate or magistrates of his or their court or courts may be presented or submitted by the public Such complaints shall be promptly filed by or under the direction of the chief clerk and be submitted to the chief city magistrate for his attention as administrative and supervising head of the business of the magistrates' courts and a copy of all such complaints shall be filed with the Board of Judges

Section 53 Each magistrate may remove the clerk employed in his own court and a majority of the board of magistrates may remove for cause the chief clerk deputy stenographic clerk and the stenographic clerk

provided for in Section forty-eight of this act In every case of removal of the chief clerk or deputy stenographic clerk the true grounds thereof shall forthwith be entered upon the records of the board

Section 54 Each magistrate shall receive a salary for his services of five thousand dollars per annum The chief city magistrate shall receive in addition to his salary as magistrate a salary of one thousand dollars per annum Such salaries shall be paid by the city in monthly payments on the first Monday of each month

Section 55 Each clerk of a magistrate's court shall receive a salary of one thousand eight hundred dollars per annum the chief clerk a salary of two thousand five hundred dollars per annum and the deputy stenographic clerk a salary of one thousand eight hundred dollars per annum Such salaries shall be paid by the city in monthly payments on the first Monday of each month

Section 56 Each stenographic clerk as provided for in Section forty-seven of this act shall receive a salary for his or her services of one thousand two hundred dollars per annum such salary to be paid by the City of Philadelphia in semi-monthly payments

Section 57 It shall be unlawful for any magistrate to

(a) Remit a sentence of fine or imprisonment imposed in a summary proceeding

(b) Impose summary sentence upon testimony establishing a prima facie offense triable by indictment

(c) Hold persons to await the action of the Grand Jury and after the departure of the police witnesses or private prosecutor discharge the defendant or hold him to keep the peace

(d) Allow further hearings in cases after a prima facie case has been made out or where affidavit as provided in Section thirty is not made

(e) Impose or accept money for copy of charge entry of bail or other processes in addition to the amount prescribed by law

(f) Permit the improper use of the seal of office the coat of arms of the Commonwealth of Pennsylvania or any other official blanks or imitations thereof

(g) Change the charge from a grave crime to a crime of lesser degree where the testimony produced is prima facie evidence of the commission of a graver crime

(h) Corruptly and wilfully discharge a prisoner when the evidence produced is prima facie evidence of the commission of a crime

(i) Knowingly and wilfully violate any provision of this act in any manner or do any acts which shall be malfeasance or misfeasance in office

Any such violations shall be a misdemeanor punishable by forfeiture of office and the emoluments thereof and a fine not to exceed one thousand five hundred dollars ($1,500) or imprisonment not to exceed three years or both

Section 58 The following acts or parts of acts are hereby repealed as particularly set forth

Section two of the act approved the fifth day of April one thousand eight hundred sixty-two (Pamphlet Laws two hundred seventy-four) entitled "An act supplementary to an act to change the mode of Criminal Proceedings in Erie and Union Counties approved May first one thousand eight hundred and sixty-one" as far as it relates to recognizances so far as same may relate to magistrates

Sections one and two of the act approved the twentieth day of April one thousand eight hundred sixty-nine (Pamphlet Laws one thousand one hundred eighty-seven) (Number one thousand one hundred eighty) entitled "An act defining the duties of police officers in the city of Philadelphia" absolutely

The act approved the fifth day of February one thousand eight hundred seventy-five (Pamphlet Laws fifty-six) (Number sixty) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia" absolutely

Section one of the act approved the twenty-third day of April one thousand nine hundred nine (Pamphlet Laws one hundred sixty) entitled "An act to regulate and establish the fees to be charged by justices of the peace aldermen and magistrates in this Commonwealth" so far as it relates to fees for bail fines and returns of magistrates

Section one of the act approved the twenty-first day of April one thousand nine hundred fifteen (Pamphlet Laws one hundred forty-five) (Number seventy-one) entitled "An act relative to the powers of magistrates in cities of the first class" absolutely

The act approved the third day of May one thousand nine hundred fifteen) (Pamphlet Laws two hundred forty) (Number one hundred thirty-five) entitled "An act relative to the holding of magistrates' courts in Philadelphia" absolutely

Sections one and two of the act approved the seventh day of April one thousand nine hundred twenty-one (Pamphlet Laws one hundred eighteen) entitled "An act providing for the depositing of money with magistrates justices of the peace and aldermen in lieu of bail or recognizances with surety or sureties in criminal prosecutions desertion and nonsupport and surety of the peace" so far as it prescribes which magistrates may receive cash deposits in lieu of bail and recognizances with surety or sureties

The act approved the tenth day of May one thousand nine hundred twenty-seven (Pamphlet Laws eight hundred sixty-six) entitled "An act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a board of magistrates providing for a chief magistrate prescribing their powers and duties providing for clerks establishing a central administrative office imposing upon the City of Philadelphia the cost of establishment and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office and repealing certain prior acts" absolutely

All other acts or parts of acts inconsistent herewith are hereby repealed

The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

Section 59 The repeal of any of the above-mentioned acts of Assembly shall not affect any civil cause or criminal prosecution or complaint pending at the date when this act goes into effect in any magistrate's court as then existing and constituted but all such pending civil causes or criminal prosecutions or complaints shall be proceeded with to the termination thereof respectively in the same manner and under the same authority and with like effect as prior to the passage of this act the full jurisdiction of the several magistrates' courts as existing and constituted prior to this act becoming effective being retained for all purpose in respect to pending proceedings therein anything herein contained to be contrary notwithstanding

Section 60 If any provision of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of the same It is hereby declared as a legislative intent that this act would have been passed had such unconstitutional provision not been included therein

Section 61 Excepting as otherwise provided herein this act shall take effect on the fifteenth day of July one thousand nine hundred thirty-five

On the question,

Will the House agree to the bill on third reading,

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House, not so long ago it was discovered that a lot of worthless bail had been entered in Philadelphia through the offices of some magistrates. As a result, an investigation was instituted by the Attorney General of this state and the District Attorney of Philadelphia County, which probe was requested by the Criminal Justice Association and other civic bodies of Philadelphia.

The preliminary report disclosed some amazing facts. It showed that in fifteen months, twenty-four magistrates illegally sent nine hundred ninety-five persons to jail and

there were imposed illegally financial penalties on fourteen hundred and fifty-three persons; that there was a failure to dispose of seventy-four hundred seventy-seven criminal cases and that of the twenty-seven hundred and sixty-one defendants accused of liquor law violations about half were freed or their cases were kept in a state of suspended animation. In assault and battery cases by automobile, nine thousand eighty-six defendants out of eleven thousand eight hundred sixty-one were discharged and the cases of one hundred ninety-six more remained unacted upon. Those are merely samples of a few things which are prevalent among the minor judiciary in Philadelphia. It suggests the laxest irregularity or perhaps worse in some cases. There were also found abuses in the issuance of warrants against debt collection and general bad management of the affiairs of the magistrates' offices.

It is not my intention to condemn all the magistrates. In my experience I have found that there are some magistrates in Philadelphia today who have stuck to the letter of the law, who are honest, and who keep their offices in order, but there are those who yield to political pressure in an unfair manner and to the detriment of the citizenry of Philadelphia and of this Commonwealth. As a result of these disclosures of abuses, some people have advocated doing away with the minor judiciary, however, there are two reasons why that is not practical at this time. In the first place, it cannot be done until there is a revision of the Constitution, and in the second place, it is not desirable unless it is the last thing available, because the magistrates courts are the most important in our State. It is the poor man's court, the court of first jurisdiction. If this act under discussion does not do away with the evils and abuses which are prevalent, then it may be found necessary to do away with this court. However, to be fair another opportunity should be given, and the time between now and the time when the revision of the Constitution will take place will in reality be a probationary period for the magistrates' courts in Philadelphia.

This bill provides for the codification of the existing law relating to magistrates. Some of the improvements over the existing law, which are designed to correct the abuses are as follows:

Section 9 prohibits magistrates from engaging in any other business or profession or holding any other public office or from being active in politics. The desirability of this change is self-evident.

Section 24 and 25 of this act established a central police court, to which sufficient magistrates shall be assigned in rotation.

Section 26, 27, and 28 establishes a new system for holding criminal hearings. These sections provide briefly, that the chief magistrate after consultation with the Superintendent of Police shall select twenty station houses conveniently located where all the criminal hearings hereafter be held. To these twenty places selected, the magistrates must be assigned in rotation, no magistrate being permitted to stay more than one month in any one year in any particular period.

This improvement is designed to and will break up the reprehensible practice under which the magistrates only too frequently have been dominated either by ward leaders in charge of the station house or the police commander of that station house.

Further, the provision is made that if the Board of Magistrates fails to provide such a system, that the duty will then devolve upon the judges of the courts of common pleas to provide such a system of rotation.

Section 27 will do away with the evil that attends secret and private hearings of criminal cases so frequently susceptible of extortion and abuse.

Section 29 restricts the release of a person arrested on a copy of the charge in the minor offenses and prohibits such release on major offenses. It also adds to the convenience of the public in obtaining copies of the charge whenever proper under the circumstances.

Section 31 is designed to guard against the discharge of criminals in serious cases without the knowledge of the District Attorney of the county.

Section 33 to 41 provide for a comprehensive system of entry of bail.

It also creates a bail commissioner to be appointed by the Board of Magistrates and who will be responsible for the acceptance of good, sufficient bail.

Section 43 provides for the appointment of a chief magistrate by the Governor of this Commonwealth, among the magistrates selected. This provision, although it has met with some opposition from some quarters, I feel is in line with our system and checks and balances of government. This provision will act as a check and balance on the Board of Judges and the Board of Magistrates, in my opinion.

Section 45 is one of the most important, if not the most important provision in the entire act. It imposes upon the Board of Judges of the Common Pleas Court the power duty generally of supervising the magistrates' court. Under this section the Board of Judges review, overrule, amend or abolish the rules and regulations adopted by the Board of Magistrates. The Board of Judges will be responsible for the proper conduct and the working of the minor judiciary.

Section 48 is very important. It imposes a duty upon the Board of Magistrates to have notes of testimony taken at criminal hearings, so that the procedure may be a matter of record and not be in secrecy as often as was the custom heretofore.

Section 57 makes it unlawful for the magistrates to do certain things. This provision, I believe, will put the magistrates' courts on a higher plane than they have been regarded up until now.

The penalty for violation of any section of this act is punishable by forfeiture of office and a fine not exceeding $500 or imprisonment not to exceed three years or both.

There has been some criticism in some circles because of the fact that the provision whereby the candidate for magistrate must be a lawyer has been eliminated. Its my opinion the elimination was a justifiable one, because I believe that every citizen should be given an equal opportunity to hold public office, provided he has character and ability. The qualifications for office are not always a matter of profession or education but a matter of ability and conscience. In those states where one of the qualifications for the minor judiciary was that of being a lawyer, there was just as much abuse found as in those localities where there were no such qualifications at all.

This act only affects the magistrates in Philadelphia and in no way affects aldermen or justices of the peace outside of Philadelphia.

It is a measure which should and must be enacted for the benefit of the citizenry of the city of Philadelphia,

and I, therefore, ask you, each and every member of this House, to vote "aye" on House Bill No. 2692.

Mr. SCHWARTZ. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. SCHWARTZ. Mr. Speaker, will the gentleman from Philadelphia explain to this House what we are going to do with the magistrates' system in the city of Philadelphia after the passage of this bill, No. 2692; what duties will there be left for the magistrates to perform in their respective offices after we have taken all their powers away from them?

Mr. OMINSKY. Mr. Speaker, as I understand the gentleman from Philadelphia, Mr. Schwartz, he wants to know what the magistrates will have to do if this bill should be enacted into law.

Mr. SCHWARTZ. Mr. Speaker, what duties will there be remaining for the magistrates in the city of Philadelphia to perform?

Mr. OMINSKY. Mr. Speaker, the remaining duties for the magistrates, if this bill is enacted, will be to act in a judicial capacity, to be impartial on all occasions and in all cases which may come before them, and if they act in a judicial and impartial manner, then I believe that will be a step further in having them perform the duties they have been sworn to perform.

Mr. SCHWARTZ. Mr. Speaker, will the gentleman from Philadelphia be kind enough to explain to me what he means by the word "judicial"? Will he be kind enough to explain it in plain language.

Mr. OMINSKY. Mr. Speaker, I believe that this act, together with the acts which it repeals, very thoroughly defines what the duties of a magistrate in the city of Philadelphia will be. This act will merely make the magistrates of Philadelphia toe the mark, so to speak, in the carrying out of their duties. The judicial duty of anyone presiding at a trial no matter how insignificant it may be is to act impartially and to decide in accordance with the law as applicable to that particular case.

Mr. SCHWARTZ. Mr. Speaker, is that the judicial duty they will have to perform in Philadelphia?

Mr. OMINSKY. Mr. Speaker, yes.

Mr. SCHWARTZ. Mr. Speaker, did the gentleman say that the bill applies only to cities of the first class?

Mr. OMINSKY. It only applies to the city of Philadelphia, Mr. Speaker.

Mr. SCHWARTZ. The gentleman from Philadelphia has stated that the Governor will appoint a chief magistrate. Is there any such law in any other county in the state of Pennsylvania?

Mr. OMINSKY. No, Mr. Speaker, I believe there is not, but I do feel that this is an innovation.

Mr. SCHWARTZ. Mr. Speaker, does the gentleman know that in the city of Philadelphia the population is about two million?

Mr. OMINSKY. I believe I do, Mr. Speaker.

Mr. SCHWARTZ. Mr. Speaker, the gentleman has stated that out of eleven thousand cases, nine thousand were discharged in a period of fifteen months. Were they all Philadelphians in that period?

Mr. OMINSKY. Mr. Speaker, it was my understanding that they were all from Philadelphia.

Mr. SCHWARTZ. Mr. Speaker, all residents of Philadelphia who were discharged?

Mr. OMINSKY. Mr. Speaker, no; it was my intention to convey to this House that all of those who were discharged were residents of Philadelphia, but they were cases that came before the magistrates in Philadelphia.

Mr. SCHWARTZ. Mr. Speaker, does the gentleman know that among those nine thousand that were discharged, there were some cases involving automobile violations and the defendants in some cases were friends of the members of this House, and that quite a few among those nine thousand called me up to help them to be discharged for some minor violation of law committed on the highways in the city of Philadelphia.

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Philadelphia, Mr. Schwartz, regarding his query as to whether all those cases were residents of the city of Philadelphia, I might say that it is true that any city may have transient people who may violate the law when they come to the city, but I feel that the mere fact that they are outsiders does not justify the breaking of the law.

Mr. SCHWARTZ. Mr. Speaker, when did the gentleman offer these amendments to this bill? Were they not offered only yesterday?

Mr. OMINSKY. Well, Mr. Speaker, I don't know just which amendments the gentleman is referring to.

Mr. SCHWARTZ. Mr. Speaker, quite a few of these amendments were offered yesterday by the gentleman.

Mr. OMINSKY. Mr. Speaker, no; that is not true. The matter of procedure was offered last night regarding certain repeal acts. I felt that in one or two instances, the repeal acts were too broad in general and, therefore, to clarify the situation and to make sure that this act would only include the city of Philadelphia, two or three amendments were offered last night on second reading.

MOTION TO RECOMMIT

Mr. SCHWARTZ. Mr. Speaker, there were quite a few amendments offered to this bill last night, and because the bill only appeared on the calendar this morning, I would like to have an opportunity to study this bill, therefore, I move that this bill be recommitted to the Committee on Cities for further study.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a question of parlimentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parlimentary inquiry.

Mr. OMINSKY. Mr. Speaker, I would like to know whether the motion of the gentleman from Philadelphia, Mr. Schwartz, is in order, since we are at this time on third reading and final passage of this bill.

The SPEAKER. The gentleman from Philadelphia is informed that the motion is in order. A motion to recommit is a privileged motion under Rule fifteen of the House.

Mr. OMINSKY. Mr. Speaker and members of the House, rising to oppose this motion to recommit this bill, House Bill 2692 back to committee, I first want to state to the members of this House that I don't believe that this motion is made in good faith. This bill has been on the calendar twice, has been considered twice by the committee on Cities, many amendments have been offered,

and all the members of this House have been given an opportunity to offer amendments. The only amendments that were offered last night, as I have stated before, were amendments of procedure to clarify the act and not to change the act in any shape or form.

I, therefore, say that the motion is merely made for the purpose of delay and since we are coming close to the end of the session, I will ask the members to vote "no" on the motion.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House. No more important piece of legislation can come before you than this bill. Never in the history of Pennsylvania have principles been advanced in this House like the principles contained in this bill and never in the history of legal jurisprudence have trial judges been charged with not deciding cases right. In other words, if you will take the bill, page 29, section 57, "It shall be unlawful for any magistrate to allow further hearings in cases after a prima facie case has been made out," and for any violation the magistrate shall suffer forfeiture of office and pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding three years.

Now, that means that when a litigant goes before a magistrate and the magistrate may honestly and bona fidely believe a prima face case has been made out and he may continue the case for a day or two longer if other and additional evidence is to be brought and no other additional evidence is brought and the magistrate discharges the defendant then the litigant bringing that case before the magistrate can go out and charge the magistrate for having violated the act and then the case would be tried anew, not by the same evidence but by more and additional evidence before a jury of twelve men, and there would be no telling what that jury might say. Therefore, you would have the magistrate in this position: every time he decides a case, the case is reviewable on a bill of indictment charging him with a violation of section 57 and the various clauses or parts of that section, and on whether or not that judgment is good or correct as determined by a jury of twelve men, would depend his liberty.

I would ask the members of this House not to vote for this bill, not to establish a principle like this bill contains, I ask you to vote "no" against this bill.

Would it not be terrible if the decisions of the Supreme Court of Pennsylvania were retriable again before a jury of twelve men and women who may know nothing about legal procedure and who may have no experience in matters of this kind? Would it not be awful if the judges of common pleas were to have their decisions retried before a jury of twelve persons? It is just as bad to say that a magistrate must always have in mind, "I must decide this case as twelve jurymen may decide it, otherwise I am a criminal and liable to go to jail for three years."

I ask you to vote "no" on this bill; to vote "no" against this innovation, against this new principle somebody is seeking to engraft upon the law of Pennsylvania.

Mr. OMINSKY. Mr. Speaker and members of the House, just a word in answer to the gentleman from Philadelphia, Mr. Sowers, concerning the point of the prima facie case. I believe that he, as a lawyer, knows that if a magistrate or any other individual enters a decision which under the circumstances makes it appear that there is an honest mistake made in that decision, there is no criminal prosecution ever instituted on a mistake or on the fact that the individual either erred honestly or did not really do it intentionally. Under this provision, as stated in the bill, if the magistrate made an error of judgment, the penalties which the gentleman has elaborated to you would not be imposed upon him. That is only in those cases where the magistrate knows that he is doing wrong and does wrong that these penalties will apply.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. OMINSKY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—71

Achterman,	Downey, G. E.,	McElroy,	Schrope,
Alexander,	Eberharter,	Melchiorre,	Shaw,
Allen,	Falkenstein,	Mentzer,	Shepard,
Andrews,	Finnerty,	Mooney,	Sinwell,
Arnold,	Gerard,	Moran,	Smith, J. A.,
Aukerman,	Haluska,	Moul,	Stank,
Baine,	Hamilton, F. P.,	Murrin,	Stone,
Barber,	Harkins,	O'Keefe,	Sumney,
Brancato,	Harmuth,	Ominsky,	Tronzo,
Brown, J. E.,	Hirsch,	O'Neill,	Tumelty,
Brownfield,	Holland,	Panton,	VanSickle,
Brumbaugh,	Hoopes,	Patterson, J. W.,	Walker,
Burke,	Kinney,	Pearson,	Weiss,
Carson,	Klinger,	Pfaff,	Welliver,
Chervenak,	LaRue,	Piole,	Welsh,
Cohen,	Long,	Ruth,	Westrick,
Coleman,	Lovett,	Sarraf,	Sarig,
Coolahan,	McCreary,	Scanlon,	

NAYS—104

Altenburg,	Fitch,	Lynch,	Sloan,
Atkins,	Flynn,	Male,	Snyder, F. E.,
Baker, J. J.,	Forrest,	McDermott,	Sowers,
Baldi,	Furman,	McDevitt,	Spangler,
Barnhardt,	Gates,	McKinney,	Stevens,
Bernhard,	Gillette,	Merrell,	Stewart,
Blumberg,	Green,	Moore,	Stockham,
Boose,	Greenstein,	Muir,	Stott,
Boyd, R.,	Habbyshaw,	Nothnagle,	Surface,
Boyer,	Hagerty,	Patterson, C.,	Tahl,
Bradley,	Hamilton, R. S.,	Perry,	Terry,
Caputo,	Hart,	Peters,	Trout,
Carr,	Hartman,	Phillips,	Turner,
Castor,	Hefferon,	Powers,	VanAllsburg,
Coakley,	Hermansen,	Reising,	Wall,
Condon,	Hetrick,	Rhys,	Wasserman,
Conner,	Hindman,	Rinn,	Weidemann,
Cordier,	Holstrom,	Roan,	White,
Davies,	Horst,	Robinson,	Wickersham,
Denning,	Jackson,	Root,	Winner,
Dent,	Jones,	Ruffennach,	Witkin,
Dilley,	Kelder,	Schrock,	Wood,
Downey, J. J.,	Kilroy,	Schwab,	Woodside,
Duffort,	Kobelak,	Schwartz,	Yourishin,
Eroe,	Linderman,	Shreiner,	Zimmerman,
Ferko,	Longaker,	Simpson,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

REPORT OF DEPARTMENT OF WELFARE ON OLD AGE ASSISTANCE

The SPEAKER. The Chair lays before the House the Report of the Department of Welfare in response to Resolution Serial No. 244. This report will not be read at length, because a copy of the report has been laid upon the members desks.

The report will be noted in the Journal and printed in the appendix to the Legislative Journal.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Judiciary Special will meet one half hour after this morning's session in room 324.

The Committee on Corporations will meet after this morning's session in room 323.

The Committee on Education will meet tomorrow at 9:15 A. M. in room 326.

The Committee on Pensions and Gratuities will meet tomorrow at 9:30 A. M. in room 324.

The Committee on State Government will meet tomorrow at 10:00 A. M. in room 323.

The Committee on Insurance will meet tomorrow at 10:00 A. M. in room 325.

The Committee on Municipal Corporations will meet immediately after tomorrow morning's session in room 324

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

The Committee on Labor will not meet today.

The Committee on Banking will not meet today.

The Committee on Military Affairs will not meet tomorrow.

The Committee on Boroughs and Townships will not meet tomorrow.

The Committee on Judiciary Local will not meet tomorrow.

The Committee on Corporations will not meet tomorrow.

The Bi-partisan House Committee of 26 will meet at 3:00 P. M. in room 521.

The Special Committee of 9 will meet in the Conference room immediately after this session.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair requests that all members be in their seats promptly at four o'clock. We have a heavy calendar. We have not been able to make any progress either last night or today.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 P. M. Are there objections? The Chair hears none and declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER. (Wilson G. Sarig) in the Chair.

BILLS INTRODUCED AND REFERRED

By Mr. COHEN. HOUSE BILL No. 2970.

An Act to amend the act approved the twenty-second day of November, one thousand nine hundred thirty-three (1933-1934 Special Session, Pamphlet Laws five), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties," by providing for an extension of time for payment in certain cases.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitld as follows:

SENATE BILL No. 34. (HOUSE BILL No. 2962).

An Act to further amend section fourteen of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annunity for principals, supervising principals, and superintendents who separated from school service prior to the establishment of the retirement system.

Referred to the Committee on Pensions and Gratuities.

SENATE BILL No. 90. (HOUSE BILL No. 2963).

An Act to amend section two hundred and sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

Referred to the Committee on Counties.

SENATE BILL No. 255. (HOUSE BILL No. 2964).

An Act to amend rule thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines.

Referred to the Committee on Mines and Mining.

SENATE BILL No. 889. (HOUSE BILL No. 2965).

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and

other employes of all such corporations or private bankers, or of affiliated corporations, associations or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; confering powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Referred to the Committee on Banking.

SENATE BILL No. 899. (HOUSE BILL No. 2966).

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees and employes of such corporations and persons.

Referred to the Committee on Banking.

SENATE BILL No. 1029. (HOUSE BILL No. 2967).

An Act to amend section four hundred ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, association and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident; and further to amend the provisions relating to participation in surplus

Referred to the Committee on Insurance.

SENATE BILL No. 1163. (HOUSE BILL No. 2968).

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act.

Referred to the Committee on Banking.

SENATE BILL No. 456. (HOUSE BILL No. 2969).

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyances of such property" extending provisions of said act to devisees.

Referred to the Committee on Counties.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 329.

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk

HOUSE BILL No. 540.

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County.

HOUSE BILL No. 775.

An Act relating to the furnishing sale delivery weighing and importation of unmanufactured horse manure making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act.

HOUSE BILL No. 953.

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with.

HOUSE BILL No. 2249.

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore and hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

HOUSE BILL No. 2488.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State

banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business. with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

HOUSE BILL No. 1383.

An Act to amend section two hundred and twenty-seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278)) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur) that House Bill No. 2205, Printer's No. 861, entitled "An act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended providing for meetings of teachers." be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 11, 1935.

Resolved (if the Senate concur) that House Bill No. 1962, Printer's No. 1257, entitled "An act to amend Sections 1 and 2 as amended Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled 'An act providing for the examination licensure and registration of persons firms and corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and foreitures for violation thereof' further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the 'Board of Plumbing Supervision of the Department of Health' therein and giving them certain powers and duties relative thereto," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1935.

Resolved (if the Senate concur), That House Bill No. 1383, Printer's No. 470, entitled "An act to amend section two hundred and twenty-seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by changing the method of appointing minute clerks of the courts of common pleas and courts of quarter sessions and oyer and terminer in counties of the second class," which was recalled from the Governor, May 7, for the purpose of further consideration, be returned to the Governor without amendment.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 900.

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

REPORTS FROM COMMITTEES

Mr. HOLSTROM, from the Committee on Highways, reported as committed, House Bill No. 2389, entitled:

A Supplement to an act approved the twelfth day of June, one thousand nine hundred thirty-one, (Pamphlet Laws, five hundred seventy-five), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers

of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing the Delaware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey, to operate cars and trains over facilities owned and leased by it and by others, to make agreements for the operation of cars and trains owned by it and by others, and to apply for and accept certain privileges and grants from Federal and State agencies.

Mr. FALKENSTEIN, from the Committee on Corporations, reported as committed, House Bill No. 2935 (Senate Bill No. 1243) entitled:

An Act to amend section one thousand and seven of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

Mr. POWERS, from the Committee on Corporations, reported as committed, House Bill No. 2930, (Senate Bill No. 213) entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Mr. BAINE, from the Committee on Corporations, reported as committed, House Bill No. 2932 (Senate Bill No. 1025) entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies of the record of certified copies of certificates competent evidence for all purposes.

Mr. PFAFF, from the Committee on Corporations, reported as committed, House Bill No. 2934 (Senate Bill No. 1236) entitled:

An Act to amend section three hundred and six of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given granted, conveyed, bequeathed, devised to, or otherwise invested in corporations formed for religious, educational, scientific or charitable purposes.

Mr. CHERVENAK, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 2878 (Senate Bill No. 106) entitled:

A Joint resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. SCHROCK, from the Committee on Highways, reported as amended, House Resolution No. 138.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2389, entitled:

A Supplement to an Act approved the twelfth day of June, one thousand nine hundred thirty-one, (Pamphlet Laws, five hundred seventy-five), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing the Delaware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey, to operate cars and trains over facilities owned and leased by it and by others, to make agreements for the operation of cars and trains owned by it and by others, and to apply for and accept certain privileges and grants from Federal and State agencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2935 (Senate Bill No. 1243), entitled:

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing

certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing the method by which a foreign business corporation may change the address of its registered office.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2930 (Senate Bill No. 213), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2932 (Senate Bill No. 1025), entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies of the record of certified copies of certificates competent evidence for all purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2934 (Senate Bill No. 1236), entitled·

An Act to amend section three hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions uopn which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given, granted, conveyed, bequeathed, devised to, or otherwise vested in corporations formed for religious, educational, scientific or charitable purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2878 (Senate Bill No. 106), entitled:

A Joint resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 817.

Mr. GEORGE E. DOWNEY. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 817, Printer's No. 1391.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee on Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 817, entitled: "An act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (Pamphlet Laws, six hundred sixty-two), entitled 'An act relating to retirement from the Pennsylvania National Guard,' by including service in United States Navy or Marine Corps in preferred classifications. and providing further for retirements and the rights of retired persons," respectfully submit the following bill as our report:

EDWARD B. BENNETT,
J. ALBERT REED.
CHARLES R. MALLERY.
Committee on the part of the Senate.

GEORGE E. DOWNEY,
WILLIAM G. SMITH,
SAMUEL B. HART,
Committee on the part of the House of Representatives.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and provided further for retirements and the rights of retired persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any person now retired or who may hereafter be retired from the Pennsylvania National Guard has served in the Pennsylvania National Guard whether as an enlisted man or officer or both for a period of more than forty years he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of the next higher grade but not higher than Major-General and if he shall have served in the Pennsylvania National Guard for more than thirty years whether as an enlisted man or officer or both he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of the next higher grade but not higher than Colonel Provided however That in considering the period of service as aforesaid the military service by such enlisted man or officer whether in the Pennsylvania National Guard engaged in the Federal service or in the United States Army Navy or Marine Corps in any war or military service in which the United States has participated including the Spanish-American War the Philippine Insurrection the American Border service or the World War or

other United States foreign military service shall be included and counted double in calculating the period of service for retirement with increased grade under the provisions of this act All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions This act shall be construed to include deceased officers and enlisted men heretofore retired who had more then forty years of service if application is made to the Adjutant General by some society post or camp of honorably discharged soldiers that the name of such officer or enlisted man be placed upon the retired list as of the next higher grade but not higher than Major General

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS.—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS.—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of Committee on Conference was adopted.

Ordered, that the Clerk inform the Senate accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2356 as follows:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to purchase articles produced manufactured made milled or mined in this Commonwealth in certain instances regulating bids for contracts and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive State aid shall when making any purchases whether direct or by contract for the construction alteration or repair of buildings purchase articles materials or supplies of every description produced manufactured made milled or mined in this Commonwealth Provided That such articles can be had at no increase in price over the price for which the same articles from without the Commonwealth can be purchased And provided further That this act shall apply to any item of such purchase the cost of which is less than one hundred dollars

Section 2 All bids to furnish any such article or for such work including the furnishing of materials shall separately specify the price for articles or materials produced manufactured made milled or mined in this Commonwealth and for those from without the Commonwealth Provided That in all cases the articles or materials furnished must meet the requirements of specifications And provided further That the ignoring of bids not made according to pre-arranged provisions for receiving and considering such bids shall not be a violation of this act

Section 3 In the case of manufactured articles the place where the same is assembled or made into the form in which it is supplied shall govern and not the place where the component parts or any of them are produced manufactured made milled or mined

Section 4 Any person knowingly making a purchase or executing a contract in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars ($1,000)

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, I rise at this time to oppose House Bill 2356 for the reason that I feel it is a rather bad piece of legislation. True enough in periods of stress and strain like the present time we are prone to jump rather hastily at conclusions, to do the state and people of the state a lot of good, but a bill like this is not doing justice to the citizens of Pennsylvania. We become rather provincial and we commence to think that legislation of this sort will benefit the state. There are forty-eight states in this Union and none of those states should be foreign to the other. Legislation of this sort would only force other states to put through their general assemblies legislation similar to this and within a short period of time we can visualize forty-eight states fighting one against the other and none of them benefiting.

I wish that the members of the House would vote "no" on this bill.

Mr. MOOMAW. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Tronzo.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. TRONZO. Mr. Speaker, I will.

Mr. MOOMAW. Mr. Speaker, I would like to have the gentleman from Allegheny, Mr. Tronzo, point out where in this bill it sets up any barrier on public work against outside manufactured products when they are the low bidder, because we all know on all public projects they are supposed to award the work to the low bidder.

Mr. TRONZO. Mr. Speaker, in answer to the gentleman, I wish to state that the effect of the bill is to force state-aided institutions to purchase a certain type of material within the state if there is a concern within that state selling at a similar rate that outside concerns would be selling the merchandise, and that in itself is rather bad.

Mr. MOOMAW. Mr. Speaker, however, is there anything in this bill which would prevent the manufacturer or producer from another state obtaining the business if he is the low bidder.

Mr. TRONZO. Mr. Speaker, I will answer that by saying probably not, but that still is not the scope of the bill.

Mr. MOOMAW. Mr. Speaker and members of the House, the purpose of this bill in its present form is to insure that the taxpayer's money goes to the best advantage in the purchase of materials in the construction of buildings. We have taken this measure up with the Department of Property and Supplies and it is perfectly agreeable to them and in fact the Director pointed out to me the very abuse for which this bill is intended, namely that contracts for work wherein the contractor after obtaining the business attempts to get approval on equal products, and yet if it was not particularly specified in the beginning, some certain party, an architect or engineer can refuse to give him that approval with the result that the contractor is dependent upon the goodwill and the cooperation of the architect, because everything in the building has to be approved by the architect, so he must be unduly submissive in such cases and cannot force recognition of the low bidder who in many cases is a Pennsylvania manufacturer. The same thing would apply even to an out of the state manufacturer and there is nothing in this bill that sets up any barrier of any type whatsoever. It merely insures careful watching on the part of the political subdivisions, and the buying authorities to see that in these particular instances they purchase stuff and materials at the lowest price for which it can be had and naturally favor when they are the low bidder only, their home industry.

Mr. TRONZO. Mr. Speaker and members of the House, the gentleman seems to be expressing the fact that there is a low bidder involved in this bill, I fail to see it. It is not a low bidder but a bidder within the state who gives a similar bid that an outsider would give and there is really no reason for it. Naturally if the contractor within the state has a low bid, he gets it, but there is no reason to curtail an out of state contractor who gives the same bid. That seems to be the gist of the bill. For that reason I think we should vote against it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—24

Alexander,	Cannon,	Eroe,	Moomaw,
Andrews,	Coleman,	Falkenstein,	Moul,
Aukerman,	Coolahan,	Flinchbaugh,	Ruth,
Brancato,	Cordier,	Haberlen,	Stone,
Brownfield,	Davies,	LaRue,	Sumney,
Brumbaugh,	Downey, G. E.,	Mentzer,	Sarig,

NAYS—83

Baime,	Hefferon,	Moran,	Simpson,
Baker, F. T.,	Hermansen,	Muir,	Snyder, F. E.,
Baker, J. J.,	Hetrick,	Murrin,	Snyder, J. L.,
Boose,	Hindman,	Nagel,	Spangler,
Bradley,	Hirsch,	Nothnagle,	Stewart,
Brennan,	Holland,	O'Keefe,	Stockham,
Brown, J. E.,	Holstrom,	Panton,	Surface,
Caruto,	Hoopes,	Parks,	Terry,
Castor,	Kane,	Patterson, C.,	Tronzo,
Cochran,	Kelder,	Patterson, J. W.,	Trout,
Decker,	Kelso,	Pearson,	Tumelty,
Dilley,	Klingler,	Perry,	VanAllsburg,
Furman,	Kobelak,	Pfaff,	Walker,
Gates,	Long,	Piole,	Wall,
Gillette,	Male,	Powers,	Weidemann,
Green,	McCreary,	Ruffennach,	Weiss,
Hamilton, F. P.,	McElroy,	Schrock,	Welliver,
Hamilton, R. S.,	McKinney,	Schrope,	Welsh,
Harkins,	Merrell,	Schwab,	White,
Hart,	Mooney,	Shepard,	Yourishin,
Hartman,	Moore,	Simon,	Zappala,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2015, as follows:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and appurtenances thereto and to sell water both within and without their corporate limits conferring the power of eminent domain to acquire property for such purposes providing for the election of a board of directors to operate and manage such works and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city borough or town within the State is hereby authorized and given power to construct acquire own operate and control its own water-works and to add to and maintain lands easements rights-of-way pipe lines franchises and distribution system to enable it to use purchase sell and dispose of water inside its corporate limits and also outside its corporate limits but only within a distance of ten miles of such corporate limits and only if the consent of the corporate authorities of the political subdivision in which such service is to be rendered has first been secured and with the consent of the owner thereof to connect its water-works or gas works with any other system or works

Section 2 Any city borough or town within the State now or hereafter owning its own water-works shall have the right to sell and dispose of water to any other city borough or town or any governmental agency or municipal corporation mutual association or to any person copartnership association or corporation inside or outside its corporate limits but not exceeding a distance of ten miles from such corporate limits

Section 3 Any city borough or town is hereby authorized to exercise the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such city borough or town Provided however That no city borough or town shall acquire by condemnation any publicly or privately owned water-works and the appurtenances thereto located within its limits except with the approval of a majority of the qualified

voters of the city borough or town acquiring such works and where such works are located in some other city borough town or township also with the approval of the qualified voters of that city borough town or township in which the property to be acquired is located nor shall any city borough or town acquire by condemnation the water-works or any parts thereof belonging to or owned or operated by any municipal corporation mutual non-profit or cooperative association or organization or a public utility district No private corporation whose water-works are so acquired shall cease to operate the same until such works are turned over to the city borough or town for ownership management or control

Section 4. Whenever any city, borough or town shall construct or acquire water works under the provisions of this act, the same shall be managed and operated by a board of five directors who shall be elected at large in such city, borough or town on a non-party ballot. The first directors shall be elected at the first municipal election after any such water works have been acquired or the construction thereof commenced, when five directors shall be elected for terms of four years each, and quadriennially thereafter at the municipal election five directors shall be elected to take the place of those whose terms are about to expire. The terms of all directors shall begin on the first Monday of January following their election. Vacancies in the office of director shall be filled by the mayor or burgess of the city, borough or town for the unexpired term.

Section 5 Nomination of candidates may be made on petitions, the form of which shall be prescribed by the mayor or burgess of the city, borough or town. In order to secure a valid nomination, a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the city, borough or town at the last preceding municipal or general election. Such nomination petitions shall be filed with the mayor or burgess at least sixty days before the municipal election, at which such nominees consent to become candidates. If less than seven petitions, sufficiently signed, are filed with the mayor or burgess within the time herein specified, the mayor or burgess shall make additional nominations until the number of nominees is seven, and shall then certify such nominees, including all of those whose petitions are sufficiently signed, to the county commissioners at least fifty days before the municipal election.

Section 6. The county commissioners shall print the names of such nominees on separate official ballots without any party designation and shall furnish a sufficient number of such separate ballots to each election board in the city, borough or township for which nominated, so that one ballot can be furnished to each voter. Each person voting at the election at which such persons are candidates shall be entitled to vote for five of the candidates whose names appear on such ballot, and the five receiving the highest number of votes shall be elected. The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote.

The votes cast for such directors shall be counted by the respective election boards and returns thereof made to the prothonotary who shall lay such returns before the return board who shall compute the vote for the entire city, borough or town and certify the result to the mayor or burgess of the city, borough or town. Thereupon the mayor or burgess shall issue to the persons elected certificates showing their election.

Section 7. Each director of water and gas works shall receive such salary as may be fixed by the council of the city, borough or town.

Section 8. As soon as the directors elected have qualified for office, they shall take charge of the water works or both, and shall employ and dismiss at pleasure a superintendent and such clerks, laborers, mechanics and workmen as may be deemed necessary for the economical and efficient administration of said works, and shall fix their compensation. The directors shall purchase such materials and supplies as may be required for keeping the works in good repair and have charge of all construction, repairs, enlargements and extensions of the works and shall conduct and manage the affairs and business connected with such works in accordance with law.

Section 9. The directors shall make and submit to the council annually a true financial statement. The directors shall also submit to the council full estimates of the costs, charges and expenses of any new work, enlargement, extension or alteration of the works, and no such work shall be prosecuted without the consent of council.

Section 10. The directors shall fix the rates for water which shall be sufficient, but not in excess of those required to operate such works in an efficient manner, provide for the repair, replacement and extension thereof, pay the interest on any bonds issued, and provide for their retirement, and all other costs and expenses properly chargeable to the operation of such works.

Section 11 If any part of this act shall be adjudged to be invalid or unconstitutional such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole or any part thereof not adjudged invalid or unconstitutional It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional part not been included therein The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of cities boroughs or towns under other existing laws

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. MORAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. MORAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, Page 2, Line 8, by striking out after the words "water-works" the following words "or gas works"

Amend Section 7, Page 5, Line 14, by striking out after the word "water" the words "and gas"

Amend Section 8, Page 5, Line 19, by striking out at the beginning of the line the words "or both"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2498, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An Act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such association defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations

conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties and providing for a temporary secretary in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 410 of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 410 Officers of Associations Removal License Compensation A Every association shall have a president a vice-president a secretary and a treasurer and may have such additional officers as shall be provided for in the by-laws Any two or more offices may be held by the same person except that the same person shall not at the same time be holder of more than one of the following offices President vice-president secretary treasurer and solicitor in addition when an association has a conveyancer the president vice-president secretary or treasurer of such association shall not at the same time be the conveyancer of the association

B The officers of an association shall be selected at least annually by the board of directors unless the by-laws provide a different method The president vice-president and secretary of an association shall be required to be members of the board of directors of the association and the secretary shall be required to be licensed by the department pursuant to the provisions of the Department of Banking Code

Any person who shall after the first day of January nineteen hundred and thirty-six act as secretary of a building and loan association without a license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or undergo an imprisonment for a period of not more than one year or both in the discretion of the court Provided However That nothing contained in this clause shall be construed to apply to or be deemed to prohibit the employment of a temporary secretary not licensed as herein required during the necessary absence of the secretary or in case of his inability to act by reason of illness or following the death or resignation of the secretary and in case any such temporary secretary shall act at any meeting of the association a notation shall be made in the minutes showing the reasons for the employment of a temporary secretary And provided further That no such temporary secretary shall be employed continuously for a longer period than three months without the consent of the Department of Banking

C Unless specifically provided otherwise in the by-laws the board of directors shall fix the compensation of all officers

D Any officer may be removed by the board of directors whenever in its judgment the best interests of the association will be served thereby but such removal shall be without prejudice to the contract rights if any of the person so removed

E Unless specifically provided otherwise in the by-laws the board of directors shall have the power to fill any vacancies created by the death removal resignation or otherwise of any officer

F The officers as between themselves and the association shall have such authority and perform such duties as shall be specified by the by-laws

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Dilley,	Kinney,	Robinson,
Alexander,	Downey, G. E.,	Klinger,	Ruth,
Allen,	Downey, J. J.,	LaRue,	Sarraf,
Altenburg,	Duffort,	Linderman,	Scanlon,
Andrews,	Eberharter,	Long,	Schrock,
Arnold,	Eroe,	Longaker,	Schrope,
Atkins,	Falkenstein,	Lovett,	Schwab,
Aukerman,	Ferko,	Lynch,	Schwartz,
Baine,	Finnerty,	Male,	Shaw,
Baker, F. T.,	Fitch,	Mallen,	Shepard,
Baker, J. J.,	Flanagan,	McCreary,	Shortz,
Baldi,	Flinchbaugh,	McDermott,	Shreiner,
Barber,	Flynn,	McDevitt,	Siegel,
Barnhardt,	Forrest,	McHenry,	Simon,
Bernhard,	Furman,	McKinney,	Simpson,
Blumberg,	Gates,	Melchiorre,	Sinwell,
Boose,	Gerard,	Mentzer,	Sloan,
Boyd, R.,	Gillette,	Merrell,	Smith, J. A.,
Boyer,	Green,	Moomaw,	Smith, W. G.,
Bradley,	Greenstein,	Mooney,	Snyder, F. E.,
Brancato,	Habbyshaw,	Moore,	Snyder, J. L.,
Brennan,	Haberlen,	Moran,	Sowers,
Brown, H. S.,	Hagerty,	Moul,	Spangler,
Brown, J. E.,	Haluska,	Munley,	Sproul,
Brownfield,	Hamilton, F. P.,	Murrin,	Stank,
Brumbaugh,	Hamilton, R. S.,	Nagel,	Stevens,
Burke,	Harkins,	Nothnagle,	Stewart,
Cannon,	Harmuth,	O'Keefe,	Stockham,
Caputo,	Hart,	Ominsky,	Stone,
Carr,	Hartman,	O'Neill,	Sumney,
Carson,	Hefferon,	Panton,	Surface,
Castor,	Hermansen,	Parks,	Tahl,
Chervenak,	Hetrick,	Patterson, C.,	Tronzo,
Coakley,	Hindman,	Patterson, J. W.,	Trout,
Cochran,	Hirsch,	Pearson,	Tumelty,
Cohen,	Hoffner,	Perry,	Turner,
Coleman,	Holland,	Peters,	VanAllsburg,
Condon,	Holstrom,	Pfaff,	VanSickle,
Conner,	Hoopes,	Phillips,	Walker,
Coolahan,	Horst,	Piole,	Weiss,
Cordier,	Jackson,	Powers,	Welliver,
Davies,	Jones,	Reising,	Welsh,
Decker,	Kane,	Reynolds,	Westrick,
Denning,	Kelder,	Rhys,	Yourishin,
Dent,	Kelso,	Rinn,	Zappala,
Diehl,	Kilroy,	Roan,	Sarig,

NAYS—16

Kobelak,	Ruffennach,	Wasserman,	Witkin,
McElroy,	Stott,	White,	Wood,
Muir,	Terry,	Wickersham,	Woodside,
Root,	Wall,	Winner,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION OF HOUSE

Mr. CAPUTO asked and obtained permission of the House for the Committee Investigating the University of Pittsburgh to meet during the session of the House immediately in the Conference Room.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess in order that the Democratic

members may meet in the House Caucus Room. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER. (Wilson G. Sarig) in the Chair.

The SPEAKER. The time of recess having expired the House was called to order.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2394, as follows:

An Act to amend sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" conferring on supervisors power over streams changing the minimum compensation of the secretary-treasurer further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits providing that the road tax shall be used for general township purposes decreasing the minimum widths of certain roads and the acceptance of roads streets lanes and alleys heretofore dedicated

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five and section one thousand one hundred and forty-one of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 516 Powers and Duties of Supervisors Township Superintendents and Roadmasters The township supervisors or the supervisors acting as superintendent or roadmasters shall

(a) Have the general care and superintendence of the improvement of the highways and bridges in the township except as otherwise specially provided

(b) Cause such highways and bridges to be kept in repair and reasonably free from all obstructions and give the necessary directions therefor

(c) Inspect all highways and bridges during the months of April and October of each year

(d) Divide the township into as many sections as may be necessary for the maintenance and repair of the highways and the opening of highways obstructed by snow

(e) Employ or hire such persons teams and implements as may be necessary for the maintenance and repair of highways and bridges and the removal of obstructions caused by snow and provide for the organization and supervision of the persons so employed and work on the roads themselves when directed to do so by the board of supervisors Records shall be kept and reports made and filed giving the names of persons employed including supervisors superintendent or roadmasters dates on which work was done with compensation paid to each person and the capacity in which he is employed

(f) Construct and keep in repair all sluices and culverts and keep the waterways bridges and culverts open

(g) Cause loose stones lying in the beaten track of every highway to be removed Stones so removed shall be conveyed to some place from which they will not work back or be brought back into the track by other implements used in repairing or maintaining such highways

(h) Attend road meetings and conventions when directed to do so by the board of supervisors

(i) Perform such other duties and have such other powers as may be imposed or conferred by law or the rules and regulations of the Department of Highways

The roadmasters or superintendents or supervisors acting in either capacity shall

(j) Report monthly to the board of supervisors which report shall contain the matter in the form to be prescribed by the Department of Highways

(k) Inspect all highways and bridges at such times as the township supervisors shall direct except during the months of April and October

(l) Have power to relocate widen deepen and straighten the channels of streams and rip rap and otherwise protect the banks of streams in order to protect roads prevent erosion and prevent floods in the township or parts thereof Provided That the consent of the Power and Water Resources Board to any such project has first been secured

[(1)] (m) When authorized to do so by general or special order of the township supervisors to do or cause to be done all work necessary to carry out the responsibilities imposed upon the township supervisors by subsections (a) (b) (e) (f) (g) and (i) of this section

Section 531 Compensation The township treasurer shall receive as compensation for his services a certain percentage on all moneys received and paid by him which rate shall be settled by the supervisors of the townships with the approbation of the township auditors

In no case shall the combined amount paid to the secretary and treasurer exceed two per centum of the money paid out by the treasurer except when the amount would be less than [ten dollars ($10.00)] twenty-five dollars ($25.00) and the calculation of such maximum compensation shall not include any percentage upon money paid out by the treasurer for the repayment of loans notes certificates or other evidences of indebtedness or other borrowed moneys

Section 535 Depositories of Township Funds The township supervisors may on the first Monday of January of each year or as soon thereafter as is practical designate by resolution a depository or depositories for township funds Such designation shall be valid for a period of one year or until such time as another depository or other depositories shall be designated by similar action of the township supervisors

Such depository or depositories shall be banks banking institutions or trust companies located in the Commonwealth

The township treasurer shall upon the designation [and qualification] of such depository or depositories immediately transfer thereto the township funds and shall thereafter keep such deposits solely in such depository or depositories in the name of the township

No township treasurer complying with the provisions of this section nor his surety or sureties shall be chargeable with losses of township funds caused by the failure or negligence of such depository or depositories

Section 540 Duties and Compensation The secretary in each township shall be clerk to the board of supervisors He shall keep a record of the proceedings of said officers shall prepare and write the annual tax duplicate of the township and shall receive such compensation therefor as shall be fixed by the township auditors The combined amount paid to the secretary and treasurer shall not exceed two per centum of the money paid out by the treasurer except where the same would amount to less than [ten dollars ($10.00] twenty-five dollars ($25.00) and the calculation of such maximum compensation shall not include any percentage upon moneys paid out by the treasurer for the repayment of loans notes certificates or other evidences of indebtedness or other borrowed moneys

Section 545 Meeting Duties Quorum Surcharges Compensation The auditors of townships shall meet annually at the place of meeting of the supervisors on the day fol-

lowing the day which is fixed by this act for organization of the township supervisors and shall audit settle and adjust the accounts of the supervisors superintendents roadmasters treasurer and tax collector of the township Two auditors shall constitute a quorum

Any officer whose act or neglect has contributed to the financial loss of any township shall be surcharged by the auditors with the amount of such loss

Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of the funds of the township

Section 547 Completion Publication and Filing of Auditors' Statement The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

Section 905

One An annual road tax for road bridge and general township purposes not later than the fourth Monday of March of each year not exceeding seven mills except where necessary to pay existing indebtedness and interest thereon in which case two additional mills may be levied Where the board of supervisors by a majority action shall upon due cause shown petition the court of quarter session for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than nine mills but not exceeding seven additional mills to be levied Such annual road tax shall include all levies for road purposes and for the payment of bonds and certificates of indebtedness issued and all other debts incurred for road purposes Not less than ten per centum of the annual road tax shall be set aside by the respective townships and used for the payment of existing indebtedness incurred for road purposes for the payment of which indebtedness no provision has been made All road tax shall be collected in cash

Section 1141 Appeals Where Supervisors Refuse Approval In any case where the township supervisors shall refuse to approve any plans submitted to them in accordance with this sub-division any person aggrieved by the action of the supervisors may within thirty days after such action appeal therefrom by petition to the court of quarter sessions of the county which court shall hear the matter de novo and after hearing may enter a decree affirming reversing or modifying the action of the supervisors as may appear just in the premises The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested The decision of the court shall be final

The action of the township supervisors or the court on appeal in approving any such plans and an approved duplicate copy of such plans shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county

Section 2 That said act is hereby amended by adding thereto section one thousand one hundred and forty-seven to read as follows

Section 1147 Taking Over of Roads Streets Lanes and Alleys Heretofore Dedicated as Public Highways Whenever plans of dedicated roads streets lanes or alleys located in second class townships have been adopted approved and recorded prior to May first one thousand nine hundred and thirty-three the board of supervisors of any such township may with the consent of the court of quarter sessions upon petition filed accept any roads streets lanes or alleys as public highways if shown in said plans as dedicated to such use and provided the roads or streets shall be not less than thirty-three feet in width and the lanes or alleys not less than fifteen feet in width said acceptance to be evidenced by a resolution of the said board of supervisors properly describing said road streets lanes or alleys and adopted by a majority thereof by a vote duly recorded and entered upon the minutes of said board Upon the filing with the clerk of courts of quarter sessions of the county in which said township shall be situate a certified and attested copy of said resolution with the consent of the court endorsed thereon such roads streets lanes or alleys shall be and become a part of the public highway system of said township and shall be so recorded in said court of quarter sessions

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Male,	Shepard,
Alexander,	Falkenstein,	Mallen,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Siegel,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	McKinney,	Sloan,
Baine,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, J. J.,	Furman,	Mentzer,	Smith, W. G.,
Baldi,	Gates,	Merrell,	Snyder, F. E.,
Barber,	Gerard,	Moomaw,	Snyder, J. L.,
Barnhardt,	Gillette,	Mooney,	Sowers,
Bernhard,	Green,	Moore,	Spangler,
Blumberg,	Greenstein,	Moran,	Sproul,
Boose,	Habbyshaw,	Moul,	Stank,
Boyd, R.,	Haberlen,	Muir,	Stevens,
Boyer,	Hagerty,	Munley,	Stewart,
Bradley,	Haluska,	Murrin,	Stockham,
Brancato,	Hamilton, F. P.,	Nagel,	Stone,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stott,
Brown, H. S.,	Harkins,	O'Keefe,	Sumney,
Brown, J. E.,	Harmuth,	Ominsky,	Surface,
Brownfield,	Hart,	O'Neill,	Tahl,
Brumbaugh,	Hartman,	Panton,	Terry,
Burke,	Hefferon,	Parks,	Tronzo,
Cannon,	Hermansen,	Patterson, C.,	Trout,
Caputo,	Hetrick,	Patterson, J. W.,	Tumelty,
Carr,	Hindman,	Pearson,	Turner,
Carson,	Hirsch,	Peters,	Van Allsburg,
Castor,	Hoffner,	Pfaff,	Van Sickle,
Chervenak,	Holland,	Phillips,	Walker,
Coakley,	Holstrom,	Piole,	Wall,
Cochran,	Hoopes,	Powers,	Wasserman,
Cohen,	Horst,	Reising,	Weidemann,
Coleman,	Jackson,	Reynolds,	Weiss,
Condon,	Jones,	Rhys,	Welliver,
Conner,	Kane,	Rinn,	Welsh,
Coolahan,	Keller,	Roan,	Westrick,
Cordier,	Kelso,	Robinson,	White,
Davies,	Kilroy,	Root,	Wickersham,
Decker,	Kinney,	Ruffennach,	Winner,
Denning,	Klingler,	Ruth,	Witkin,
Dent,	Kobelak,	Sarraf,	Wood,
Diehl,	LaRue,	Scanlon,	Woodside,
Dilley,	Linderman,	Schrope,	Yourishin,
Downey, G. E.,	Long,	Schwab,	Zappala,
Downey, J. J.,	Longaker,	Schwartz,	Zimmerman,
Duffort,	Lovett,	Shaw,	Sarig,
Eberharter,	Lynch,		

NAYS—3

Baker, F. T.,	Perry,	Schrock,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1837, as follows:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and adding certain new routes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" are hereby amended to read as follows

Dravosburg Borough

Route 02078 Extending Route 02078 Beginning at a point on the Mifflin Township-Dravosburg Borough line [near Amity Avenue] thence southwesterly [over Amity Avenue] to [Sixth] Fifth Street thence over [Sixth] Fifth Street to the Pittsburgh-McKeesport Boulevard in Dravosburg Borough Allegheny County a distance of about .8 of a mile

[Route 04008 Extending Route 04008 Beginning at a point on the Beaver Borough-Brighton Township line thence in a southerly direction on Beaver Street extension and Beaver Street to an intersection with Route 243 at the junction of Beaver Street and River Road in Beaver Borough Beaver County a distance of about .44 of a mile]

New Britain Borough

Route 09069 Extending Route 09069 Beginning at a point on the New Britain Borough-Doylestown Township line thence southwesterly [and southerly] on [James] Voss Avenue to an intersection with Route 178 at [James] Voss and Butler Avenues in the borough of New Britain Bucks County a distance of about .13 of a mile

Westmont Borough

Route 11011 Extending Route 11011 Beginning at a point on the South Westmont Borough-Upper Yoder Township line thence in a [northeasterly] direction on [Elknud Road] Goucher Street to an intersection with Menoher Highway thence in a westerly direction on [Mencher] Menoher Highway to an intersection with [the continuations of Rural] Routes 11006 and 11065 at [Mencher] Menoher Highway and St Clair Road in the borough of Westmont Cambria County a distance of about [1.10 miles] 0.90 of a mile

Stillwater Borough

Route 19070 Extending Route 19070 Beginning at a point on Route 16 at the intersection of an unnamed street near the steel truss bridge spanning Fishing Creek in the borough of Stillwater thence in [a northeasterly] an easterly direction approximaely .06 of a mile thence in a northwesterly direction on an unnamed street to the Stillwater Borough-Fishing Creek Township line Columbia County a distance of about [.53] .70 of a mile.

Waterford Borough

Route 25013 Extending Route 25013 Beginning at a point on the Waterford Borough-Waterford Township line thence in a northeasterly direction on West Third Street to West Park Row thence southeasterly on West Park Row to South Park Row thence northeasterly on South Park Row to [an intersection with Route 84 at South Park Row and High Street] East Park Row thence northwesterly on East Park Row to Route 25056 at East Park Row and East Third Street in the borough of Waterford Erie County a distance of about [.6] .7 of a mile

Route 25056 Extending Route 25056 Beginning at a point on the Waterford Borough-Waterford Township line thence in a southwesterly direction on East Third Street to East Park Row thence [southeasterly] northwesterly on East Park Row to [South] North Park Row thence southwesterly on [South] North Park Row to [an intersection with Route 84 at South Park Row and High Street] West Park Row thence southeasterly on West Park Row to Route 25013 at West Park Row and East Third Street in the borough of Waterford Erie County a distance of about [.6] .7 of a mile

Fairchance Borough

Route 26035 Extending Route 26035 Beginning at a point on the Fairchance Borough-Georges Township line thence in a southerly direction on Elm street and Morgantown Street to an intersection with the continuation of Rural Route 26082 at Morgantown and Church Streets in the borough of Fairchance Fayette County a distance of about [1.05] 1.37 miles

Masontown Borough

Route 26008 Extending Route 26008 Beginning at a point on the Masontown Borough-German Township line thence in a westerly direction on Church Street to an intersection with the continuation of State-aid Application 1022 at Church and Main Streets thence continuing over Church Street to River Avenue thence over River Avenue to the toll bridge over the Monongahla River in the borough of Masontown Fayette County a distance of about [.11 of a mile] 1.61 miles

Ellwood City Borough

Route 37011 Extending Route 37011 Beginning at a point on the Ellwood City Borough-Wayne Township line thence in an easterly direction on Lawrence Avenue Fourth Street and Crescent Avenue to an intersection with Route [347] 315 or [Fifth] Second Street in the borough of Ellwood City Lawrence County a distance of about [.7 of a mile] 1.04 miles

Yatesville Borough

Route 40044 Extending Route 40044 Beginning at a point on the Laflin Borough-Jenkins Township-Yatesville Borough line [at the end of Legislative Route 40044] thence northerly on Back Road the line between Jenkins Township and Yatesville Borough to Yatesville Road thence in a northwesterly direction on Yatesville Road and Stout Street to [an intersection with Stout Street and Pittston Avenue] the western borough line in the borough of Yatesville Luzerne County a distance of about [.62 of a mile] 1.1 miles

Tatamy Borough

Traffic Route 275 Legislative Route 48025 Extending Route 48025 Beginning at a point [at] on the Palmer Township-Tatamy Borough line thence in [a westerly] an easterly direction along the Bushkill Road to an intersection with [the continuation of] Rural Route 48025 at the center line of the Bushkill Creek in the borough of [Stockertown] Tatamy Northampton County a distance of about .66 of a mile

Middleport Borough

Route 53015 Extending Route 53015 Beginning at a point on the Middleport Borough-Blythe Township line thence in a northerly direction on [Coal Street] Washington and Main Streets to an intersection with Route 162 at Main and Coal Streets in Middleport Borough Schuylkill County a distance of about .38 of a mile

Tower City Borough

Route 53025 Extending Route 53025 Beginning at a point on the Tower City Borough-Porter Township line thence in a northerly direction on [Twelfth] Tenth Street to an intersection with Route 199 at [Twelfth] Tenth Street and Grand Avenue in Tower City Borough Schuylkill County a distance of about .11 of a mile

Montrose Borough

Route 57025 Extending Route 57025 Beginning at a point on the Montrose Borough-Bridgewater Township line thence in a [southeasterly] southwesterly direction on [Bank Street] Heart Lake Road thence in a northwesterly direction on Bank Street to an intersection with Route 9 in the borough of Montrose Susquehanna County a distance of about .56 of a mile

Section 2 That the said Act is hereby amended by adding thereto the following routes

ADAMS COUNTY

Gettysburg Borough

Route 889 Extending Route 889 Beginning at a point on the Cumberland Township-Gettysburg Borough line thence over College Avenue and West Lincoln Avenue to an intersection with Routes 41 and 123 at Lincoln Avenue and Carlisle Street in the borough of Gettysburg Adams County a distance of about 0.36 of a mile

ALLEGHENY COUNTY

Bridgeville Borough

Route 02043 Extending Route 02043 Beginning at a point on the Collier Township-Bridgeville Borough line thence in a southeasterly direction over Pressley Street to an intersection with Route 108 at Pressley Street and Washington Avenue in the borough of Bridgeville Allegheny County a distance of about 0.44 of a mile

Coraopolis Borough

Application 793 Beginning at a point on the Moon Township-Coraopolis Borough line thence northeasterly on Maple State and Chestnut Streets to an intersection with Route 76 at Chestnut Street and Fifth Avenue in the borough of Coraopolis Allegheny County a distance of about 0.75 of a mile

Dormont Borough

Route 806 Extending Route 806 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northeasterly on West Liberty Avenue to the Pittsburgh City line in the borough of Dormont Allegheny County a distance of about 0.74 of a mile

Route 02059 Extending Route 02059 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northwesterly on Scott Road to a second point on the Mount Lebanon Township line in the borough of Dormont Allegheny County a distance of about 0.16 of a mile

Edgeworth Borough

Application 148 Beginning at a point on the line between Sewickley Heights Township and Edgeworth Borough thence southwesterly over Quaker Hollow Road to Woodland Road in the borough of Edgeworth Allegheny County a distance of about 0.34 of a mile

Etna Borough

Route 807 Extending Route 807 Beginning at a point on the Shaler Township-Etna Borough line thence southeasterly on Grant Avenue to Crescent Avenue thence continuing on Crescent Avenue to an intersection with Route 72 at Crescent Avenue and Butler Street in the Borough of Etna Allegheny County a distance of about 0.60 of a mile

Fox Chapel Borough

Route 02146 Extending Route 02146 Beginning at a point on the O'Hara Township-Fox Chapel Borough line thence in a northwesterly direction on Fairview Road to an intersection with the Fox Chapel Road in the borough of Fox Chapel Allegheny County a distance of about 0.25 of a mile

Greentree Borough

Route 802 Extending Route 802 Beginning at a point on the Scott Township-Greentree Borough line thence over Washington Avenue to the Pittsburgh City line in the borough of Greentree Allegheny County a distance of about 2.07 miles

Millvale Borough

Route 805 Extending Route 805 Beginning at a point on the Shaler Township-Millvale Borough line thence northerly through Millvale Borough on Evergreen Avenue and North Avenue to Route 805 at the northern line of Millvale Borough Allegheny County a distance of about 0.91 of a mile

Osborne Borough

Route 02096 Extending Route 02096 Beginning at a point on the Haysville Borough-Osborne Borough line thence in a southwesterly direction on River Avenue to an intersection with Beaver Road in the Borough of Osborne Allegheny County a distance of about 0.02 of a mile

Sharpsburg Borough

Route 810 Extending Route 810 Beginning at a point on the O'Hara Township-Sharpsburg Borough line thence in a southwesterly direction on North Canal Street to an intersection with Route 70 at North Canal and Main Streets in the borough of Sharpsburg Allegheny County a distance of about 0.38 of a mile

Turtle Creek Borough

Route 741 Extending Route 741 Beginning at a point on the Wilkins Township-Turtle Creek Borough line thence over Brown Avenue and Hunter Street to the intersection of Hunter and Thompson Streets in the borough of Turtle Creek Allegheny County a distance of about 0.5 of a mile

Route 743 Extending Route 743 Beginning at a point on the Wilkins Township-Turtle Creek Borough line thence over Larimer Avenue Osborne and Thompson Streets to the intersection of Thompson Street and Penn Avenue in the borough of Turtle Creek Allegheny County a distance of about 0.6 of a mile

ARMSTRONG COUNTY

Applewold Borough

Route 03024 Extending Route 03024 Beginning at a point on the East Franklin Township-Applewold Borough line thence southerly on Allegheny Street to an intersection with Route 251 in the borough of Applewold Armstrong County a distance of about 0.01 of a mile

Dayton Borough

Route 534 Extending Route 534 Beginning at a point on the Dayton Borough-Waynes Township line thence in a northwesterly direction on State Street to an intersection with the continuation of Routes 03075 and 03095 at State and Main Streets in the borough of Dayton Armstrong County a distance of about 0.20 of a mile

BEAVER COUNTY

Aliquippa Borough

Application 3955 Extending Application 3955 Beginning at a point on the Hopewell Township-Aliquippa Borough line on Application 3955 thence northerly on Station Street to an intersection with Franklin Avenue thence westerly on Franklin Avenue to the intersection of Franklin and Hopewell Avenues in the borough of Aliquippa Beaver County a distance of about 2.54 miles

Ambridge Borough

Route 04089 Extending Route 04089 Beginning at a point on the Ambridge Borough-Harmony Township line and extending over Fourth Street to an intersection with Route 641 at Fourth Street and Duss Avenue in Ambridge Borough Beaver County a distance of about 0.2 of a mile

Beaver Borough

Route 04091 Extending Route 04091 Beginning at a point on the Brighton Township-Beaver Borough line near the Borough Township line thence in a southeaserly direction over Buffalo Street to intersect with Route 278 at Fourth Street in Beaver Borough Beaver County a distance of about 0.32 of a mile

Koppel Borough

Route 04017 Extending Route 04017 Beginning at the west end of the bridge spanning the Beaver River at the east borough line of Koppel thence in a southwesterly direction on Fifth Avenue to an intersection with Arthur Street thence in a westerly direction on Arthur Street to an intersection with Route 77 in the borough of Koppel Beaver County a distance of about 0.82 of a mile

South Heights Borough

Route 445 Extending Route 445 Beginning at a point on Route 445 at the Hopewell Township-South Heights Borough line thence in a general easterly direction over Hill Road to an intersection with State-aid Application 3955 at Hill Road and North Jordan Street in South Heights Borough Beaver County a distance of about 0.60 of a mile

West Mayfield Borough

Route 04044 Extending Route 04044 Beginning at a point on the Big Beaver Township-West Mayfield Borough line thence in a southerly direction on a borough street to an intersection with Route 77 in the borough of West Mayfield Beaver County a distance of about 0.04 of a mile

BEDFORD COUNTY

Mann's Choice Borough

Route 05097 Extending Route 05097 Beginning at a point on the Harrison Township-Mann's Choice Borough line thence extending in a northerly direction to the Mann's Choice Borough-Harrison Township line in the borough of Mann's Choice Bedford County a distance of about 0.2 of a mile

BERKS COUNTY

Lenhartsville Borough

Route 06168 Extending Route 06168 Beginning at a point on the Lenhartsville Borough-Greenwich Township line thence in a northwesterly direction on Chestnut Street to an intersection on Route 285-Spur at Chestnut Street and Penn Avenue in the borough of Lenhartsville Berks County a distance of about 0.22 of a mile

St Lawrence Borough

Route 916 Extending Route 916 Beginning at a point on the Exeter Township-St Lawrence Borough line thence westerly on St Lawrence Avenue to an intersection with Route 146 at St Lawrence Avenue and Perkiomen Avenue in the borough of St Lawrence Berks County a distance of about 1.57 miles

Temple Borough

Route 157-Spur Beginning at a point on the southern line between Muhlenberg Township and Temple Borough thence northerly on Kutztown Road to the Northern borough line in the borough of Temple Berks County a distance of about 0.85 of a mile

Topton Borough

Route 06160 Extending Route 06160 Beginning at a point on the Topton Borough-Longswamp Township line thence in a southerly direction on Haas Street to Route 06119 at the intersection of Weis and Haas Streets in the borough of Topton Berks County a distance of about 0.52 of a mile

Wernersville Borough

Route 06148 Extending Route 06148 Beginning at a point on the Lower Heidelberg Township-Wernersville Borough line thence in a southerly direction of an intersection with Route 149 in the borough of Wernersville Berks County a distance of about 0.4 of a mile

BLAIR COUNTY

Hollidaysburg Borough

Route 883 Extending Route 883 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence northerly on Bedford Street to an intersection with Route 07014 at Bedford and Newry Streets in the borough of Hollidaysburg Blair County a distance of about 0.41 of a mile

Route 884 Extending Route 884 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence southerly on Juniata Street to an intersection with Route 53 at Juniata and Allegheny Streets in the borough of Hollidaysburg Blair County a distance of about 0.35 of a mile

Martinsburg Borough

Route 882 Extending Route 882 Beginning at a point on the North Woodbury Township-Martinsburg Borough line thence westerly on Allegheny Street to an intersection with Routes 286 and 734 at Allegheny and Market Streets in the borough of Martinsburg Blair County a distance of about 0.45 of a mile

Roaring Spring Borough

Route 880 Extending Route 880 Beginning at a point on the Taylor Township-Roaring Spring Borough line thence northwesterly on South Main Street to an intersection with Route 384 at Main and Bloomfield Streets in the borough of Roaring Spring Blair County a distance of about 0.24 of a mile

Tyrone Borough

Route 857 Extending Route 857 Beginning at a point on the Snyder Township-Tyrone Borough line thence easterly on Fifteenth Street to an intersection with Route 07032 at Fifteenth Street and Columbia Avenue in the borough of Tyrone Blair County a distance of about 0.44 of a mile

Route 858 Extending Route 858 Beginning at a point on the Snyder Township-Tyrone Borough line thence southerly on Adams Avenue to an intersection with Route 07032 at Adams Avenue and Decker Hollow Road in the borough of Tyrone Blair County a distance of about 0.03 of a mile

Williamsburg Borough

Route 07039 Extending Route 07039 Beginning at a point on the Woodbury Township-Williamsburg Borough line thence in a westerly direction over Front Street to Route 260 in the borough of Williamsburg Blair County a distance of about 0.2 of a mile

BRADFORD COUNTY

Sayre Borough

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line thence easterly over Lincoln Street to an intersection with Route 287 in the borough of Sayre Bradford County a distance of about 0.26 of a mile

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line at the end of Route 08120 thence westerly on Cayuta and Bradford Streets to an intersection with Route 287 at Bradford Street and Keystone Avenue in the borough of Sayre Bradford County a distance of about 1.29 miles

Application 5800 Beginning at the intersection of Thomas and Packer Avenues in the borough of Sayre Bradford County thence over Thomas and East Lockhart Avenues to a point on the west bank of the Susquehanna River a distance of about 0.50 of a mile

Route 08147 Extending Route 08147 Beginning at a point on the Athens Township-Sayre Borough line thence over Lockhart Avenue to an intersection with Route 287 at Lockhart and Keystone Avenues in the borough of Sayre Bradford County a distance of about 0.3 of a mile

Route 08150 Extending Route 08150 Beginning at a point on the Athens Township-Sayre Borough line thence southerly to an intersection with Route 08120 in the borough of Sayre Bradford County a distance of about 0.2 of a mile

Route 287-Spur Beginning at a point on Route 287 at the intersection of Keystone Avenue and Mohawk Street thence in a northeasterly direction over Mohawk Street to Spring Street thence continuing in a northerly direction over Spring Street to the Pennsylvania-New York State line in the borough of Sayre Bradford County a distance of about 1.0 mile

South Waverly Borough

Route 08114-Spur Beginning at the intersection of Elmira and Pitney Streets thence northerly over Elmira Street to the Pennsylvania-New York State line in the borough of South Waverly Bradford County a distance of about 0.5 of a mile

Route 287-Spur "A" Beginning at a point on Route 287 at Pennsylvania Avenue and Bradford Street thence over Bradford Street to Elmira Street in the borough of South Waverly Bradford County a distance of about 0.4 of a mile

Wyalusing Borough

Application 1069 Beginning at a point on the Wyalusing Township-Wyalusing Borough line thence northeasterly on Bridge and Main Streets to an intersection with Route 14 at Main and Church Streets in the borough of Wyalusing Bradford County a distance of about 0.17 of a mile

BUCKS COUNTY

Bristol Borough

Application 3441 Beginning at a point on the Bristol Township-Bristol Borough line thence over Otter Mill and Radcliffe Streets to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 1.50 miles

Application 4948 Beginning at a point on the Bristol Township-Bristol Borough line thence over Radcliffe Street to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 0.79 of a mile

Application 6723 Beginning at the intersection of Radcliffe Street and Bloomsdale Road in the borough of Bristol thence over Bloomsdale Road to the State highway on the Bristol Borough-Bristol Township line in the borough of Bristol Bucks County a distance of about 0.60 of a mile

Hulmeville Borough

Application 2659 Beginning at a point on the Middletown Township-Hulmeville Borough line thence northwesterly on Main Street to Trenton Avenue thence from a point on Route 484 northeasterly on Trenton Avenue to the Middletown Township line in the borough of Hulmeville Bucks County a distance of about 0.08 of a mile.

Langhorne Borough

Application 405 Beginning at the intersection of Bellevue and Winchester Avenues thence northerly on Bellevue Avenue to Summit Avenue in the borough of Langhorne Bucks County a distance of about 0.08 of a mile

Morrisville Borough

Application 1302 Beginning at the intersection of Pennsylvania and Trenton Avenues the intersection of Applications 104 and 1809 thence southerly on Pennsylvania Avenue to the intersection with Routes 281 and 150 at Pennsylvania Avenue and Bridge Street in the borough of Morrisville Bucks County a distance of about 0.72 of a mile

Application 1809 Beginning at a point on the Falls Township-Morrisville Borough line thence over Trenton Avenue to an intersection with Route 252 at Trenton and Delmar Avenues in the borough of Morrisville Bucks County a distance of about 0.45 of a mile

Application 5715 Beginning at a point on the Falls Township-Morrisville Borough line thence northerly on Pennsylvania Avenue to an intersection with Route 150 at Pennsylvania and Philadelphia Avenues in the borough of Morrisville Bucks County a distance of about 0.53 of a mile

Perkasie Borough

Application 6426 Beginning at a point on Route 386 at the intersection of Ridge Road and Market Street thence southeasterly on Application 6426 for a distance of about 0.28 of a mile in the borough of Perkasie Bucks County

Quakertown Borough

Route 921 Extending Route 921 Beginning at a point on the Richland Township-Quakertown Borough line thence northerly on Trumbauersville Pike and easterly on Mill Road to an intersection with Route 153 at Mill Road and Main Street in the borough of Quakertown Bucks County a distance of about 0.13 of a mile

Silverdale Borough

Application 1139 Beginning at a point on the Hilltown Township-Silverdale Borough line thence over Perkasie Road to the intersection of Route 270 in Silverdale Borough Bucks County a distance of about 0.27 of a mile

Trumbauersville Borough

Route 921 Extending Route 921 Beginning at a point on the Milford Township-Trumbauersville Borough line thence southwesterly on Quakertown Pike Street to an intersection with Route 09110 at Quakertown Pike and Broad Streets in the borough of Trumbauersville Bucks County a distance of about 0.14 of a mile

BUCKS AND MONTGOMERY COUNTIES

Telford and West Telford Boroughs

Applications 3771 and 4067 Beginning at a point on the line between Hilltown Township and Telford Borough Bucks County and Souderton and West Telford Boroughs Montgomery County thence over County Line Road to an intersection with Route 09011 and Application 463 in the boroughs of Telford Bucks County and West Telford Montgomery County a distance of about 1.09 miles

BUTLER COUNTY

Cherry Valley Borough

Route 10106 Extending Route 10106 Beginning at a point on the Venango Township-Cherry Valley Borough line thence easterly to a road intersection about 0.3 of a mile south of East Unity Church thence southerly to an intersection with Route 75 in the borough of Cherry Valley Butler County a distance of about 1.7 miles

East Butler Borough

Application 3663 Beginning at a point on the Summit Township-East Butler Borough line thence northeasterly over Tenth Street to an intersection with Route 10059 at Tenth and Grant Streets in the borough of East Butler Butler County a distance of about 0.26 of a mile

CAMBRIA COUNTY

Cresson Borough

Route 854 Extending Route 854 Beginning at a point on the Cresson Township-Cresson Borough line thence easterly on William Penn Highway to an intersection with Route 276 in the borough of Cresson Cambria County a distance of about 0.06 of a mile

Ebensburg Borough

Route 854 Extending Route 854 Beginning at a point on the Cambria Township-Ebensburg Borough line thence northwesterly on High Street to an intersection with Route 53 in the borough of Ebensburg Cambria County a distance of about 0.05 of a mile

Ferndale Borough

Route 851 Extending Route 851 Beginning at a point on the Upper Yoder Township-Ferndale Borough line thence northeasterly on Franklin Street to an intersection with Summit Avenue thence continuing on Franklin Street to the Johnstown City line in the borough of Ferndale Cambria County a distance of about 0.36 of a mile

Geistown Borough

Application 1591-B Extending Application 1591-B Beginning at a point on Stonycreek Township-Geistown Borough line thence over Locust Street Arbutus Park Road Belmont Street and Arbutus Park Boulevard to the intersection of Route 222 at Arbutus Park Boulevard and Bedford Pike in the borough of Geistown Cambria County a distance of about 1.51 miles

Hastings Borough

Route 11076 Extending Route 11076 Beginning at a point on the south borough line of Hastings Borough on Beaver Street thence in a northerly direction on Beaver Street to an intersection with Route 11051 in Hastings Borough Cambria County a distance of about 0.55 of a mile

Lilly Borough

Route 11028 Extending Route 11028 Beginning at a point on the north borough line of Lilly Borough at Portage Street thence southerly on Portage Street to an intersection with Route 276 at Portage and Cleveland Streets in Lilly Borough Cambria County a distance of about 0.25 of a mile

Portage Borough

Route 11071 Extending Route 11071 Beginning at a point on the east borough line of Portage Borough on Washington Avenue thence in a westerly direction on Washington Avenue to an intersection with Route 11024 at Washington Avenue and Main Street in the borough of Portage Cambria County a distance of about 0.07 of a mile

Westmont and Southmont Boroughs

Route 11011-Spur Beginning at an intersection with Route 11011 in Westmont Borough thence easterly on Mill Creek Road in the boroughs of Westmont and Southmont to a point near the intersection of Mill Creek Road and Fourth Avenue thence southerly and easterly in Southmont Borough to Grant Avenue thence northerly on Grant Avenue to the Johnstown City line in the boroughs of Westmont and Southmont Cambria County a distance of about 2.6 miles

Lorain Borough

Application 1591-B Extending Application 1591-B Beginning at a point on the Stonycreek Township-Lorain Borough line thence in a northwesterly direction over Application 1591-A on Ohio Street to the Johnstown City line in the borough of Lorain Cambria County a distance of about 0.64 of a mile

Application 5801 Beginning at a point on the north Lorain Borough-Stonycreek Township line thence in a southwesterly direction on Oakland Avenue to an intersection with State-aid Application 1591-A at Oakland Avenue and Ohio Street in the borough of Lorain Cambria County a distance of about 0.55 of a mile

Wilmore Borough

Route 852 Extending Route 852 Beginning at a point on the Summerhill Township-Wilmore Borough line thence southerly on Main Street to an intersection with Routes 276 and 11017 at Main Street and Old Portage Road in the borough of Wilmore Cambria County a distance of about 0.17 of a mile

CARBON COUNTY

Bowmanstown Borough

Route 13014-Spur Beginning at the intersection of East White Street and Fire Line Road thence over East White Street to an intersection with Route 163 in the borough of Bowmanstown Carbon County a distance of about 0.13 of a mile

CENTRE COUNTY

Millheim Borough

Route 873 Extending Route 873 Beginning at a point on the Penn Township-Millheim Borough line thence in a northerly direction on Penn Street to an intersection with Routes 27 and 667 at Penn and Main Streets in the borough of Millheim Centre County a distance of about 0.40 of a mile

Philipsburg Borough

Application 1397 Beginning at a point on the Rush Township-Philipsburg Borough line thence southeasterly on Ninth Street to an intersection with Routh 107 at Ninth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Application 5228 Beginning at a point on the Rush Township-Philipsburg Borough line thence southwesterly on Pine Street to an intersection with Application 1397 at Pine and Ninth Streets also from Fifteenth and Pine Streets over Fifteenth Street to the intersection of Fifteenth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Application 1236 Extending Application 1286 Beginning at a point on the Philipsburg Borough-Rush Township line thence in a southwesterly direction on Presque Isle Street to a point on Route 107 in the borough of Philipsburg Centre County a distance of about 0.13 of a mile

Unionville Borough

Route 869 Extending Route 869 Beginning at a point on the Union Township-Unionville Borough line thence in a southeasterly direction on Allegheny Street to an intersection with Route 107 at Allegheny and Union Streets in the borough of Unionville Centre County a distance of about 0.36 of a mile

CHESTER COUNTY

Downingtown Borough

Route 15095 Extending Route 15095 Beginning at a point on the East Caln Township-Downingtown Borough line thence in a westerly direction on Boot Road to an intersection with Route 137 at Boot Road and Brandywine Avenue in the Borough of Downingtown Chester County a distance of about 0.11 of a mile

Parkesburg Borough

Application 4814 Beginning at a point on the Sadsbury Township-Parkesburg Borough line thence westerly on First Avenue to Route 15062 at First Avenue and West Street in the borough of Parkesburg Chester County a distance of about 0.67 of a mile

CLARION COUNTY

Curllsville Borough

Route 551 Extending Route 551 Beginning at a point on the Curllsville Borough-Piney Township line thence in a southeasterly direction on Walnut Street to an intersection with Main Street thence southerly on Main Street to an intersection with Route 16022 at Main and Walnut Streets in the borough of Curllsville Clarion County a distance of about 0.36 of a mile

St Petersburg Borough

Application 1450 Beginning at a point on the Richland Township-St Petersburg Borough line thence over Main Street to an intersection with Route 251 at Main Street and Salem Avenue in the borough of St Petersburg Clarion County a distance of about 0.29 of a mile

CLEARFIELD COUNTY

Curwensville Borough

Application 1311 Beginning at a point on the Pike Township-Curwensville Borough line thence over Susquehanna Avenue to an intersection with Route 62-spur in the borough of Curwensville Clearfield County a distance of about 0.17 of a mile

Glen Hope Borough

Route 857 Extending Route 857 Beginning at a point on the southeastern line between Glen Hope Borough and Beccaria Township thence northwesterly over Janesville Road Cooper Avenue and Tyrone Turnpike to Route 857 at the northwestern borough line in the borough of Glen Hope Clearfield County a distance of about 1.8 miles

Grampian Borough

Route 857 Extending Route 857 Beginning at a point on the Penn Township-Grampian Borough line thence northerly on South and Main Streets to an intersection with Routes 59 and 62 at Main and First Streets in the Borough of Grampian Clearfield County a distance of about 0.33 of a mile

Lumber City Borough

Route 857 Extending Route 857 Beginning at a point on the Ferguson Township-Lumber City Borough line thence northeasterly on Bridge Street to a point on Route 62-spur thence from a second point on Route 62-spur northerly on Turnpike Street to Route 857 on the Lumber City Borough-Penn Township line in the borough of Lumber City Clearfield County a distance of about 1.06 miles

COLUMBIA COUNTY

Catawissa Borough

Route 19089 Extending Route 19089 Beginning at a point on the Catawissa Township-Catawissa Borough line thence southerly on Second Street to an intersection with Routes 183 and 19011 at Second and Main Streets in the borough of Catawissa Columbia County a distance of about 0.54 of a mile

Centralia Borough

Route 19082 Extending Route 19082 Beginning at a point on the Conyngham Township-Centralia Borough line thence northerly to a point on Route 161 in Centralia Borough Columbia County a distance of about 0.02 of a mile

Route 19083 Extending Route 19083 Beginning at a point on the Conyngham Township-Centralia Borough line thence over Centre Street to an intersection with Route 161 at Centre and Locust Streets in the borough of Centralia Columbia County a distance of about 0.08 of a mile

CUMBERLAND COUNTY

Camp Hill Borough

Route 21070 Extending Route 21070 Beginning at a point on the East Pennsboro Township-Camp Hill Borough line thence northerly on Thirty-second Street to an intersection with Route 507 at Thirty-second Street and Trindle Road in the borough of Camp Hill Cumberland County a distance of about 0.7 of a mile

Carlisle Borough

Route 890 Extending Route 890 Beginning at a point on the dividing line between North Middleton and South Middleton Townships and Carlisle Borough thence easterly on West High Street to an intersection with Routes 34 35 and 125 at West High and Hanover Streets in the borough of Carlisle Cumberland County a distance of about 1.05 miles

Lemoyne Borough

Route 21073 Extending Route 21073 Beginning at a point on the Lower Allen Township-Lemoyne Borough line thence over Hummel Avenue to an intersection with Route 250 at Hummel Avenue and Third Street in the borough of Lemoyne Cumberland County a distance of about 0.95 of a mile

New Cumberland Borough

Route 66003 Extending Route 66003 Beginning at a point on the Fairview Township (York County)-New Cumberland Borough line thence over Poplar and Third Streets to an intersection with Route 250 at Third and Bridge Streets in the borough of New Cumberland Cumberland County a distance of about 0.86 of a mile

Newville Borough

Route 891 Extending Route 891 Beginning at a point on the North Newton Township-Newville Borough line thence northeasterly on Big Spring Avenue to an intersection with Route 191 at Big Spring Avenue and South High Street in the borough of Newville Cumberland County a distance of about 0.58 of a mile

Shippensburg Borough

Route 21061 Extending Route 21061 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over Roxbury Road and Spring Street to an intersection with Route 35 at Spring and King Streets in the borough of Shippensburg Cumberland County a distance of about 0.16 of a mile

West Fairview Borough

Application 394 Beginning at a point on the East Pennsboro Township-West Fairview Borough line thence southerly on the State road to an intersection with Route 30 in the borough of West Fairview Cumberland County a distance of about 0.36 of a mile

CUMBERLAND AND FRANKLIN COUNTIES

Shippensburg Borough

Applications 264 and 368 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over North Morris Street to an intersection with Route 35 at Morris and King Streets in the borough of Shippensburg Cumberland and Franklin Counties a distance of about 0.12 of a mile

DAUPHIN COUNTY

Gratz Borough

Route 22063 Extending Route 22063 Beginning at the northern borough line of Gratz Borough thence in a southeasterly direction to a point on Route 22034 about 0.2 of a mile north of the intersection of Route 22034 and 339 in the borough of Gratz Dauphin County a distance of about 0.25 of a mile

Lykens Borough

Route 22003 Extending Route 22003 Beginning at a point on the Jackson Township-Lykens Borough line thence northerly to an intersection with Route 199 in the borough of Lykens Dauphin County a distance of about 0.6 of a mile

Millersburg Borough

Route 22057 Extending Route 22057 Beginning at a point on the Millersburg Borough-Upper Paxton Township line thence in a southerly direction to an intersection with Route 199 in the borough of Millersburg Dauphin County a distance of about 0.42 of a mile

Steelton Borough

Route 509 Extending Route 509 Beginning at a point on the Swatara Township-Steelton Borough line thence easterly on Harrisburg Street to an intersection with Route 22018 at Harrisburg and Pine Streets in the borough of Steelton Dauphin County a distance of about 0.28 of a mile

Route 22018 Extending Route 22018 Beginning on the Steelton Borough-Swatara Township line at Pine Street thence in a southwesterly direction on Pine Street to a point on Route 129 in the borough of Steelton Dauphin County a distance of about 0.75 of a mile

Route 22046 Extending Route 22046 Beginning at a point on the Steelton Borough-Swatara Township line at Gibson Street thence souhwesterly on Gibson Street to a point on Route 129 in the borough of Steelton Dauphin County a distance of about 0.05 of a mile

Uniontown Borough

Route 22058 Extending Route 22058 Beginning at a point on the Lykens Township-Uniontown Borough line thence over Market Street to an intersection with Route 336 at Market and Chestnut Streets in the Borough of Uniontown Dauphin County a distance of about 0.15 of a mile

DELAWARE COUNTY

Aldan Collingdale and Sharon Hill Boroughs

Route 23065-Spur Starting at the intersection of Clifton Avenue and Springfield Road Route 23605 thence in a southerly direction on Clifton Avenue crossing Route 729 at its intersection with Route 180 in the boroughs of Aldan Collingdale and Sharon Hill Delaware County a distance of about 1.4 miles

Darby Borough

Route 542-Spur Beginning at a point on Route 180 at the intersection of Main and Eleventh Streets thence southeasterly and easterly over Main Street to the Darby Borough-Philadelphia City line in the borough of Darby Delaware County a distance of about 1.0 mile

Darby and Colwyn Boroughs

Route 23047 Extending Route 23047 Beginning at the intersection of Route 180 at Eleventh and Main Streets in the borough of Darby thence extending on Main Street to the city line of Philadelphia in the boroughs of Darby and Colwyn Delaware County a distance of about 1.4 miles

Glenolden Borough

Route 23091 Extending Route 23091 Beginning at the intersection of Route 729 thence in a southerly direction on South Avenue to its intersection with Route 180 in the borough of Glenolden Delaware County a distance of about 0.6 of a mile

Upland Borough

Route 180-Spur Extending Route 180-Spur Beginning

at the eastern Chester City-Upland Borough line at the intersection of Twelfth Street in Chester thence westerly over an unnamed street between the B and O Railroad and the southern borough line when the same shall have been opened by the borough to the western Upland Borough-Chester City line at a point where this line is intersected in Chester County by Twelfth Street in the borough of Upland Delaware County a distance of about 0.35 of a mile

Trainer Borough

Application 1249 Beginning at a point on the Lower Chichester Township-Trainer Borough line thence northeasterly on Ridge Avenue and Ninth Street to the Chester City line in the borough of Trainer Delaware County a distance of about 0.79 of a mile

Route 542 Extending Route 542 Beginning at a point in the borough of Trainer at the intersection of Post Road and Price Street thence southerly on Price Street to a point at the intersection of Price and Second Streets thence easterly on Second Street to a point on the line dividing the borough of Trainer and the city of Chester in the borough of Trainer Delaware County a distance of about 0.4 of a mile

Ridley Park Borough

Beginning at a point at the intersection of Sellers Avenue and Route 180 thence in a northeasterly direction on Sellers Avenue crossing Route 731 thence to the intersection of Sellers Avenue with Route 130 spur B in Ridley Park Borough Delaware County a distance of about 0.50 miles

ERIE COUNTY

Girard Borough

Route 25094 Extending Route 25094 Beginning at the Girard Borough-Girard Township line and extending over Haggerty Street to Hathaway Street thence over Hathaway Street to Church Street and over Church Street to Route 86 at the intersection of Church and Main Streets in the borough of Girard Erie County a distance of about 0.8 of a mile

FRANKLIN COUNTY

Chambersburg Borough

Application 1027 Beginning at the intersection of Broad Street and Kenwood Road in the borough of Chambersburg thence over Scotland Avenue to an intersection with Application 228 at Scotland and College Avenues in the borough of Chambersburg Franklin County a distance of about 0.19 of a mile

Greencastle Borough

Route 887 Extending Route 887 Beginning at a point on the Antrim Township-Greencastle Borough line thence northeasterly on Carlisle Street to an intersection with Routes 36 and 224 at Carlisle and Baltimore Streets in the borough of Greencastle Franklin County a distance of about 0.75 of a mile

Mercersburg Borough

Application 1594 Beginning at a point on the Montgomery Township-Mercersburg Borough line thence northerly on Shimpstown Road to an intersection with Route 224 in the borough of Mercersburg Franklin County a distance of about 0.01 of a mile

Mt Alto Borough

Application 585 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northeasterly on Main Street to an intersection with Route 28009 at Main Street and Fayetteville Road in the borough of Mont Alto Franklin County a distance of about 0.46 of a mile

Application 5503 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northwesterly on Park Avenue to an intersection with Route 28009 at Park Avenue and Main Street in the borough of Mont Alto Franklin County a distance of about 0.94 of a mile

Waynesboro Borough

Route 888 Extending Route 888 Beginning at a point on the Washington Township-Waynesboro Borough line thence northeasterly on Potomac Avenue to an intersection with Route 224 at Potomac Avenue and Main Street in the borough of Waynesboro Franklin County a distance of about 1.09 miles

FULTON COUNTY

McConnellsburg Borough

Route 29017 Extending Route 29017 Beginning at a point on the southern McConnellsburg Borough-Ayr Township line thence in a northerly direction on Cito Road to an intersection with Route 37 at Cito Road and Water Street in the borough of McConnellsburg Fulton County a distance of about 0.05 of a mile

GREENE COUNTY

Rices Landing Borough

Route 30077-Spur Beginning at a point on Route 30077 thence in an easterly direction paralleling the Monongahela River to a point on Route 30025 at the Rices Landing Borough-Cumberland Township line in the borough of Rices Landing Greene County a distance of about 0.9 of a mile

HUNTINGDON COUNTY

Broad Top City Borough

Application 2845 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in an easterly direction on Railroad Street to a point on the Broad Top City Borough-Wood Township line in Broad Top City Borough Huntingdon County a distance of about one mile

Application 4973 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in a southerly direction on Broad Street to Route 31012 in the borough of Broad Top City Huntingdon County a distance of about 0.78 of a mile

Mapleton Borough

Route 31084 Extending Route 31084 Beginning at a point on the Mapleton Borough-Brady Township line thence in a southerly direction over Bridge Street to the intersection of Bridge and Main Streets thence westwardly over Market Street to the intersection with Routes 31022 and 31027 at Campbell and Washington Streets in the borough of Mapleton Huntingdon County a distance of about 0.2 of a mile

Mount Union Borough

Route 44018 Extending Route 44018 Beginning at a point on the Huntingdon-Mifflin County line thence in a westerly direction over Pennsylvania Avenue Franklin Street and Water Street to a point on Route 121 at the intersection of Jefferson and Water Streets in the borough of Mount Union Huntingdon County a distance of about 0.6 of a mile

INDIANA COUNTY

Blairsville Borough

Application 694 Beginning at a point on the southern line of Blairsville Borough thence over Moorewood Avenue Johnson Avenue Walnut Street and Main Street to an intersection with Route 32005 at Main and Liberty Streets in the borough of Blairsville Indiana County a distance of about 0.78 of a mile

JEFFERSON COUNTY

Big Run Borough

Route 847 Extending Route 847 Beginning at a point on the Henderson Township-Big Run Borough line thence southwesterly on Caroline Street to an intersection with Route 189 at Caroline and Main Streets in the borough of Big Run Jefferson County a distance of about 0.23 of a mile

Brockway Borough

Route 33065 Extending Route 33065 Beginning at a point on the Snyder Township-Brockway Borough line thence in a northeasterly direction over Kearney Street to First Avenue thence over First Avenue to Broad Street thence over Broad Street to an intersection with Route [illegible] at

Broad Street and Second Avenue in the borough of Brockway Jefferson County a distance of about 0.3 of a mile

Route 33066 Extending Route 33066 Beginning at a point on Route 59 at the intersection of McKean and Main Streets thence north on McKean Street to the Brockway Borough line in the borough of Brockway Jefferson County a distance of about 0.4 of a mile

Punxsutawney Borough

Application 854 Beginning at the intersection of Ridge Avenue (Route 189) and Elk Street thence over Elk Street to the intersection of Route 997 and Application 5456 at Elk Street and Graffius Avenue in the borough of Punxsutawney Jefferson County a distance of about 0.1 of a mile

Application 5456 Beginning at the intersection of Front Street and Graffius Avenue thence over Graffius Avenue to an intersection with Route 358 at Graffius Avenue and Orchard Street in the borough of Punxsutawney Jefferson County a distance of about 0.4 of a mile

Sykesville Borough

Route 60-Spur Extending Route 60-Spur Beginning at a point on the Sykesville Borough-Winslow Township line thence in a southeasterly direction on Park Street to an intersection with Route 338 in the borough of Sykesville Jefferson County a distance of about 0.31 of a mile

LACKAWANNA COUNTY

Blakely Borough

Route 322 Extending Route 322 Beginning at the intersection of State Highway Route 322 and Main Street in Blakely Borough thence easterly over Keystone Avenue to River Street thence northerly over River Street to a point where it intersects Route 35041 at River and Depot Street in the borough of Blakely Lackawanna County a distance of about 0.5 of a mile

Route 954 Extending Route 954 Beginning at a point on the Scott Township-Blakely Borough line thence southeasterly to an intersection with Route 533 in the borough of Blakely Lackawanna County a distance of about 0.08 of a mile

Application 5702 Beginning at a point on Route 322 at North Main and Ridge Streets thence over Ridge Street to Main Street in the borough of Blakely Lackawanna County a distance of about 0.37 of a mile

Blakely and Dickson City Boroughs

Route 168 Extension Beginning at a point on the Blakely-Dickson City Borough line known as Blakely Corners and also at the intersection of a county road thence in a northwesterly direction on West Lackawanna Street to a point of intersection with Route 533 also known as Scott Road in the boroughs of Blakely and Dickson City Lackawanna County a distance of about 0.61 of a mile

Clarks Summit Borough

Application 5 Beginning at a point on the South Abington Township-Clarks Summit Borough line thence over State Street to an intersection with Route 9 at State Street and Lake Winola Road in the borough of Clarks Summit Lackawanna County a distance of about 0.51 of a mile

Clarks Summit and Clarks Green Boroughs

Route 953 Extending Route 953 Beginning at a point on the South Abington Township-Clarks Summit-Clarks Green Borough line thence northerly on Abington Road to an intersection with Route 365-Spur in the boroughs of Clarks Summit and Clarks Green Lackawanna County a distance of about 0.53 of a mile

Clarks Green Borough

Route 35054 Extending Route 35054 Beginning at a point on the Clarks Green Borough-South Abington Township line thence in a westerly direction to a point of intersection with Route 953 and the road leading to Justus known as Willow Brook Road in the borough of Clarks Green Lackawanna County a distance of about 0.16 of a mile

Dalton Borough

Application 309 Beginning at a point on the Glenburn Township-Dalton Borough line thence northerly over the old Abington turnpike to the Dalton Borough-LaPlume Township line in the borough of Dalton Lackawanna County a distance of about 1.54 miles

Application 4356 Beginning at a point on the Abington Township-Dalton Borough line thence northwesterly on Main Street to Application 309 in the borough of Dalton Lackawanna County a distance of about 0.9 of a mile

Dunmore Borough

Route 5 Beginning at a point on the Scranton City-Dunmore Borough line thence northeasterly on Third Street to Cherry Street thence northwesterly on Cherry Street to Short Street thence northerly on Short Street to South Blakely Street thence northeasterly on South Blakely Street to a point where it intersects Route 168 in Dunmore Borough Lackawanna County a distance of about 0.92 of a mile

Gouldsboro Borough

Route 45039 Extending Route 45039 Beginning at a point on the Monroe County-Gouldsboro Borough line at the end of Route 45039 thence in a northerly direction on Locust Ridge Road to Main Street thence northeasterly on Main Street to an intersection with Route 665 at Main Street and Bear Lake Road in the borough of Gouldsboro Lackawanna County a distance of about 0.7 of a mile

Jermyn Archbald and Blakely Boroughs

Route 648 Extending Route 648 Beginning at a point on Route 648 in Jermyn Borough thence southwesterly over Washington Avenue to the Jermyn-Archbald Borough line thence continuing in a southwesterly direction in Archbald Borough over Main Street to the Archbald-Blakely Borough line thence southwesterly through Blakely Borough on Ridge Road to the intersection of Route 322 and Ridge Road in the boroughs of Jermyn Archbald and Blakely Lackawanna County a distance of about 3.3 miles

Old Forge Borough

Route 35050 Beginning at a point on the county road at Main and Oak Streets thence northwesterly on Oak Street thence northerly on West Oak Street to a point where it intersects the Back Road at Back Road and West Oak Street in the borough of Old Forge Lackawanna County a distance of about 1.0 mile

Taylor Borough

Route 35051 Beginning at a point on the county road at Main and Union Streets thence northwesterly on Union Street thence northwesterly on Pyne Mountain Road to a point where it intersects the Back Road at Back Road and Pyne Mountain Road in the borough of Taylor Lackawanna County a distance of about 1.4 miles

Taylor and Old Forge Boroughs

Route 35049 Beginning at the Scranton City line at the intersection with Route 35013 Keyser Avenue and the Back Road thence southwesterly on the Back Road through Taylor Borough to the Taylor Borough-Old Forge Borough line thence continuing on the Back Road through Old Forge Borough to Aldrich Street thence on Aldrich Street to Drakes' Lane thence on Drakes' Lane to Milwaukee Avenue thence southerly on Milwaukee Avenue to a point where it intersects the county road at Main Street and Milwaukee Avenue in Old Forge Borough Lackawanna County a distance of about 5.0 miles

Throop and Olyphant Boroughs

Route 35052 Beginning at a point on Route 168-Extension at the intersection of Dunmore and Sanderson Streets in Throop Borough and extending eastwardly over Sanderson Street and Marshwood Road through the boroughs of Throop and Olyphant to an intersection with Route 35041 in Olyphant Lackawanna County a distance of about 4.25 miles

LANCASTER COUNTY

Manheim Borough

Route 812 Extending Route 812 Beginning at a point on the Rapho Township-Manheim Borough line thence over Penn and Colebrook Streets to an intersection with Route 138 at Colebrook and Main Streets in the borough of Manheim Lancaster County a distance of about 0.38 of a mile

Mount Joy Borough

Application 288 Beginning at a point on the East Donegal Township-Mt Joy Borough line thence over West Donegal Street to the intersection with Route 36002 in the borough of Mt Joy Lancaster County a distance of about 0.2 of a mile

LAWRENCE COUNTY

New Wilmington Borough

Route 43005 Extending Route 43005 Beginning at a point on the New Wilmington Borough-Wilmington Township (Mercer County) line thence in a southerly direction on North High Street to an intersection with Route 80 at North High Street and Neshannock Avenue in the borough of New Wilmington Lawrence County a distance of about 0.34 of a mile

LEBANON COUNTY

Cornwall Borough

Application 4668-A Beginning at a point on the South Lebanon Township-Cornwall Borough line thence southwesterly on Schaefferstown Road for a distance of about 173 feet in the borough of Cornwall Lebanon County

LEHIGH COUNTY

Emaus Borough

Route 39077 Extending Route 39077 Beginning at a point on Route 158 at Fifth Street in the borough of Emaus thence in a southeasterly direction through Emaus Borough to the southeastern borough line in Lehigh County a distance of about 0.4 of a mile

LUZERNE COUNTY

Laflin Borough

Route 40044 Extending Route 40044 Beginning at a point in Laflin Borough at the intersection of Back Road and Route 515 thence northerly on Back Road to the Laflin Borough Yatesville Borough-Jenkins Township line in the borough of Laflin Luzerne County a distance of about 0.2 of a mile

Laurel Run Borough

Route 933 Extending Route 933 Beginning at a point on the Bear Creek Township-Laurel Run Borough line thence northerly on Northampton Street to an intersection with Route 40039 in the borough of Laurel Run Luzerne County a distance of about 0.89 of a mile

McKEAN COUNTY

Kane Borough

Route 42032 Extending Route 42032 Beginning at a point on the eastern Kane Borough-Wetmore Township line at Hemlock avenue thence westerly over Hemlock Avenue to an intersection with Route 95-Spur at the intersection of Hemlock Avenue and Fraley Street in Kane Borough McKean County a distance of about 0.4 of a mile

MERCER COUNTY

Greenville Borough

Application 265 Extending Application 265 Beginning at a point on the Hempfield Township-Greenville Borough line thence westerly on South Main and Main Streets to an intersection with Route 82 at Main and College Streets in the borough of Greenville Mercer County a distance of about 0.8 of a mile

Wheatland Borough

Application 6532 Beginning on Route 238-Spur D at the intersection of Mercer and Broadway Streets thence northeasterly over Mercer Street to an intersection with Route 238-Spur A at Mercer Street and Council Avenue in the borough of Wheatland Mercer County a distance of about 0.4 of a mile

MIFFLIN COUNTY

McVeytown Borough

Route 603 Extending Route 603 Beginning at the intersection of Holiday and Water Streets thence over Holiday Street to an intersection with Route 33 in the borough of McVeytown Mifflin County a distance of 0.03 of a mile

MONROE COUNTY

Mt Pocono Borough

Route 949 Extending Route 949 Beginning at a point on the Coolbaugh Township-Mt Pocono Borough line thence southerly on Sterling Road to an intersection with Route 168 at Sterling Road and Main Street in the borough of Mt Pocono Monroe County a distance of about 0.93 of a mile

MONTGOMERY COUNTY

East Greenville Borough

Application 721 Beginning at a point on the Upper Hanover Township-East Greenville Borough line thence over Water Street to the Pennsburg Borough line in the borough of East Greenville Montgomery County a distance of about 0.6 of a mile

Narberth Borough

Application 552 Beginning at a point on the western line between Lower Merion Township and Narberth Borough thence over Wynnewood Avenue to the southern borough line in the borough of Narberth Montgomery County a distance of about 0.33 of a mile

Rockledge Borough

Application 7180 Beginning at a point on the Abington Township-Rockledge Borough line thence over Fox Chase Road to an intersection with Route 362 in the borough of Rockledge Montgomery County a distance of about 0.06 of a mile

NORTHAMPTON COUNTY

Bath Borough

Route 48044 Extending Route 48044 Beginning at a point on the East Allen Township-Bath Borough line at the end of Route 48044 thence westerly to an intersection with Application 3908 in the borough of Bath Northampton County a distance of about 0.01 of a mile

Chapman Borough

Application 3908 Beginning at a point on the southern line between Moore Township and Chapman Borough thence northwesterly over Application 3908 to the western borough line in the borough of Chapman Northampton County a distance of about 0.34 of a mile

Route 48069 Extending Route 48069 Beginning at the Chapman Borough-Moore Township line and extending in a southwesterly direction on Main Street to an intersection with State-aid Application 3908 in the borough of Chapman Northampton County a distance of about 0.75 of a mile

Freemansburg Borough

Route 48011-Spur Beginning at a point on Route 48011 at the intersection of Main and Washington Streets thence southerly on Main Street to the Bethlehem City line in the borough of Freemansburg Northampton County a distance of about 0.6 of a mile

Glendon Borough

Route 48066 Extending Route 48066 Beginning at a point on Route 48010 at Station 411+00 thence in a general southerly direction to a point on the Glendon Borough-Williams Township line in the borough of Glendon Northampton County a distance of about 0.44 of a mile

Hellertown Borough

Route 48006 Extending Route 48006 Beginning at a point on the Bethlehem City-Hellertown Borough line at the intersection of Cherry Lane and Easton Road thence southwesterly on Easton Road to the intersection of Route 530 at Easton Road and Main Street in the borough of Hellertown Northampton County a distance of about 1.1 miles

Nazareth Borough

Route 48070 Extending Route 48070 Beginning at a point on the Upper Nazareth Township-Nazareth Borough line thence northeasterly on Spring Street to Mauch Chunk Road thence easterly on Mauch Chunk Road and Belvidere Street to a point on Route 48043 at Belvidere and Broad Streets in the borough of Nazareth Northampton County a distance of about 1.0 mile

NORTHUMBERLAND COUNTY

Kulpmont Borough

Route 49085 Extending Route 49085 Beginning at a point at or near the intersection of the northern line of Kulpmont Borough and the western line of Marion Heights Borough thence in a southerly direction on Eleventh Street to a point on Route 161 in the borough of Kulpmont Northumberland County a distance of about 0.03 of a mile

Route 49087 Extending Route 49087 Beginning at a point on the Mount Carmel Township-Kulpmont Borough line thence northerly on Eighth Street to an intersection with Route 161 at Eighth and Chestnut Streets in the borough of Kulpmont Northumberland County a distance of about 0.08 of a mile

Marion Heights Borough

Route 49090 Extending Route 49090 Beginning at a point on the eastern limit of Marion Heights Borough thence in a southwesterly direction on North Street to a point on Route 49085 at the western borough line in Marion Heights Borough Northumberland County a distance of about 0.5 of a mile

Turbotville Borough

Route 49095 Extending Route 49095 Beginning at a point on the Lewis Township-Turbotville Borough line thence in a southerly direction on Church Street to an intersection with Route 240 in the borough of Turbotville Northumberland County a distance of about 0.1 of a mile

PERRY COUNTY

Bloomfield Borough

Route 50005 Extending Route 50005 Beginning at a point on the dividing line between Bloomfield Borough and Centre Township thence southerly over a borough street to Route 122 in Bloomfield Borough Perry County a distance of about 0.1 of a mile

PIKE COUNTY

Milford Borough

Route 942 Extending Route 942 Beginning at a point on the Dingman Township-Milford Borough line thence northerly on Harford Street to an intersection with Route 167 at Harford and Mott Streets in the borough of Milford Pike County a distance of about 0.27 of a mile

POTTER COUNTY

Galeton Borough

Application 380 Beginning at a point on Route 52018 at the intersection of West and Union Streets in Galeton Borough thence over Union Street and Germania Avenue to an intersection with Route 565 at Germania Avenue and Fifth Street in the borough of Galeton Potter County a distance of about 0.48 of a mile

SCHUYLKILL COUNTY

Ashland Borough

Route 19082 Extending Route 19082 Beginning at a point on the Columbia County-Ashland Borough line thence in a southerly direction to a point on Route 19016 immediately north of Nineteenth and Arch Streets in the borough of Ashland Schuylkill County a distance of about 0.1 of a mile

Route 53084 Extending Route 53084 Beginning at a point on Center Street at the Butler Township-Ashland Borough line thence in an easterly direction over Center Street to a point on Route 19016 at Center and Nineteenth Streets in the borough of Ashland Schuylkill County a distance of about 0.4 of a mile

Route 53086 Extending Route 53086 Beginning at a point on the Ashland Borough-Butler Township line thence in a northerly direction to an intersection with Route 718 in the borough of Ashland Schuylkill County a distance of about 0.02 of a mile

Gordon Borough

Route 53086 Extending Route 53086 Beginning at a point on the northern borough line of Gordon Borough thence in a southeasterly direction over McKnight Street to a point at the intersection of Routes 53060 and 53001 on Biddle Street in the borough of Gordon Schuylkill County a distance of about 0.5 of a mile

Palo Alto Borough

Route 53080 Extending Route 53080 Beginning at a point on the North Manheim Township-Palo Alto Borough line thence in a general northeasterly direction on Bacon Street and northerly direction on Coal Street to a point on the Palo Alto-Port Carbon Borough line in the borough of Palo Alto Schuylkill County a distance of about 1.6 miles

Port Carbon Borough

Route 53080 Extending Route 53080 Beginning at a point on the Palo Alto-Port Carbon Borough line at Coal Street thence in a northerly direction on South Coal Street to a point on Route 162 at the intersection of the River Road and South Coal Street in the borough of Port Carbon Schuylkill County a distance of about 0.1 of a mile

Ringtown Borough

Application 844 Beginning at the intersection of Routes 755 and 53067 in the borough of Ringtown Schuylkill County thence westerly on Main Street for a distance of about 565 feet

SNYDER COUNTY

Middleburg Borough

Route 54035 Extending Route 54035 Beginning at a point on the Franklin Township-Middleburg Borough line thence southwesterly on a borough street to an intersection with Route 26 in the borough of Middleburg Snyder County a distance of about 0.02 of a mile

SOMERSET COUNTY

Berlin Borough

Route 808 Extending Route 808 Beginning at a point on the Brothers Valley Township-Berlin Borough line thence northerly on Cumberland Street to an intersection with Route 55039 at Cumberland and Main Streets thence from an intersection with Routes 51 and 55039 at Broadway and Main Street westerly on Main Street to Route 808 on the Berlin Borough-Brothers Valley Township line in the borough of Berlin Somerset County a distance of about 0.37 of a mile

Confluence Borough

Route 55113 Extending Route 55113 Beginning at a point on the Addison Township-Confluence Borough line thence northerly over Petersburg Road Yough and Ross Streets to the intersection with Route 55018 at Ross Street and Hugart Avenue in the borough of Confluence Somerset County a distance of about 0.45 of a mile

Hooversville Borough

Route 55126 Extending Route 55126 Beginning at a point on the Hooversville Borough-Shade Township line thence in a westerly direction over Charles Street to the point of intersection with Route 546 in the borough of Hooversville Somerset County a distance of about 0.5 of a mile

New Centerville Borough

Route 55042 Extending Route 55042 Beginning at a point on the New Centerville Borough-Milford Township line thence in a westerly direction on Main Street to an intersection with Route 50 in the borough of New Centerville Somerset County a distance of about 0.03 of a mile

Paint Borough

Route 55127 Extending Route 55127 Beginning at a point on the Paint Borough-Paint Township line thence in an easterly direction by way of Main Street to the point of intersection with Application 825 in the borough of Paint Somerset County a distance of about 0.32 of a mile

Somerset Borough

Route 55111 Extending Route 55111 Beginning at a point on the Somerset Township-Somerset Borough line thence northerly on Center Street to an intersection with Route 50 at Center and Patriot Streets in the borough of Somerset Somerset County a distance of about 0.31 of a mile

Stoyestown Borough

Route 849 Extending Route 849 Beginning at a point on the Quemahoning Township-Stoyestown Borough line thence southwesterly on Somerset Street to an intersection with Route 119 and 55077 in the borough of Stoyestown Somerset County a distance of about 0.22 of a mile

Ursina Borough

Route 55115 Extending Route 55115 Beginning at a point on the Lower Turkeyfoot Township-Ursina Borough line thence in a northerly direction over the Harnedsville Road to a point on Route 50 at Park Street in the borough of Ursina Somerset County a distance of about 0.57 of a mile

Wellersburg Borough

Route 808 Extending Aoute 808 Beginning at a point on the Southampton Township-Wellersburg Borough line thence in a general southerly direction on Main Street to the Maryland State line in Wellersburg Borough Somerset County a distance of about 1.53 miles

SULLIVAN COUNTY

Dushore Borough

Route 895 Extending Route 895 Beginning at a point on the southeastern Cherry Township-Dushore Borough line thence northwesterly on Turnpike Street to Route 17-Spur at Main Street thence from Route 56023 Main Street northerly on Turnpike Street to Route 895 at the northern Dushore Borough-Cherry Township line in the borough of Dushore Sullivan County a distance of about 1.05 miles

Eagles Mere Borough

Applications 5459 and 6740 Beginning at a point on Route 321 at the intersection of Pennsylvania and Eagles Mere Avenues thence over Pennsylvania and Lakewood Avenues to an intersection with Route 321 at Lakewood and Eagles Mere Avenues in the borough of Eagles Mere Sullivan County a distance of about 1.93 miles

SUSQUEHANNA COUNTY

Hallstead Borough

Route 710-Spur Beginning at a point on Route 710 at the intersection of Church Avenue and Pine Street thence southwesterly on Pine Street and southeasterly on Franklin Avenue to an intersection with Route 10 at Franklin Avenue and Main Sreet in the borough of Hallstead Susquehanna County a distance of about 0.3 of a mile

Hopbottom Borough

Route 941 Extending Route 941 Beginning at a point on the Lenox Township-Hopbottom Borough line thence northerly on Glenwood Street to an intersection with Route 9 at Glenwood Street and Lackawanna Trail in the borough of Hopbottom Susquehanna County a distance of about 0.42 of a mile

Friendsville Borough

Route 944 Extending Route 944 Beginning at a point in the Apolacon Township-Friendsville Borough line thence in a southeasterly direction on Turnpike Street to Route 944 at the Friendsville Borough-Forest Lake Township line in the borough of Friendsville Susquehanna County a distance of about 1.56 miles

Montrose Borough

Route 842 Extending Route 842 Beginning at a point on the Bridgewater Township and southerly Montrose Borough line thence northerly on Main Street to an intersection with Route 12 near Wilson and Main Streets thence from a point on Route 57024 northerly on Chenango Street to Route 842 at the northern borough line in the borough of Montrose Susquehanna County a distance of about 0.60 of a mile

Route 944 Extending Route 944 Beginning at a point on the Bridgewater Township and western Montrose Borough line thence easterly on Owego Street to an intersection with Route 57078 and Owego Street thence from a point on Route 57025 southeasterly on Bank Street to Route 944 at the southern borough line in the borough of Montrose Susquehanna County a distance of about 0.28 of a mile

New Milford Borough

Route 945 Extending Route 945 Beginning at a point on the New Milford Township-New Milford Borough line thence northerly on Main Street to an intersection with Route 10 at Main and Summit Streets in the borough of New Milford Susquehanna County a distance of about 0.41 of a mile

Application 593 Beginning at a point on the New Milford Township-New Milford Borough line thence over Montrose Street to an intersection with Routes 10 and 474 in the borough of New Milford Susquehanna County a distance of about 0.42 of a mile

Susquehanna Depot and Lanesboro Boroughs

Route 946 Extending Route 946 Beginning at a point on the dividing line between Oakland and Harmony Townships at the southwesterly corner of Lanesboro Borough thence northerly on Harmony Street to an intersection with Route 296 at Harmony and Main Streets in the boroughs of Susquehanna Depot and Lanesboro Susquehanna County a distance of about 0.99 of a mile

TIOGA COUNTY

Mansfield Borough

Application 5762 Beginning at a point on Route 58063 at the intersection of Elmira and Coles Streets in Mansfield Borough thence over Coles Street to an intersection with Route 212 at Coles and Sullivan Streets in the borough of Mansfield Tioga County a distance of about 0.14 of a mile

VENANGO COUNTY

Utica Borough

Route 60061 Extending Route 60061 Beginning at Carnahans Corners on the dividing line between Utica Borough and French Creek Township thence easterly to an intersection with Route 60019 at the United Presbyterian Church in Utica Borough Venango County a distance of about 0.7 of a mile

WASHINGTON COUNTY

Bentleyville Borough

Application 508 Beginning at a point on the Ellsworth-Bentleyville Borough line thence northerly to an intersection with Route 118 in the borough of Bentleyville Washington County a distance of about 0.45 of a mile

Canonsburg Borough

Route 802 Extending Route 802 Beginning at a point on the Canonsburg-Houston Borough line thence northeasterly on Pike Street to an intersection with Route 103 at Central Avenue in the borough of Canonsburg Washington County a distance of about 1.17 miles

Ellsworth Borough

Application 515 Beginning at a point on the West Pike Run Township-Ellsworth Borough line thence over a borough street to the Bentleyville Borough line in the borough of Ellsworth Washington County a distance of about 0.61 of a mile

Houston Borough

Route 802 Extending Route 802 Beginning at a point on the Chartiers Township-Houston Borough line thence northeasterly on Pike Street to the Canonsburg Borough line in the borough of Houston Washington County a distance of about 0.86 of a mile

Midway Borough

Application 178 Extending Application 178 Beginning at a point on the Robinson Township-Midway Borough line thence over Montgomery Street to an intersection with a county road in the borough of Midway Washington County a distance of about 0.14 of a mile

WAYNE COUNTY

Bethany Borough

Route 950 Extending Route 950 Beginning at a point on the eastern line between Dyberry Township and Bethany Borough thence northwesterly on Wayne Street to an un-named street thence westerly on said un-named street to Spruce Street thence northerly on Spruce Street to an un-named street thence northeasterly on said un-named street to Wayne Street thence northweasterly on Wayne Street to Route 950 at the northwestern line between Bethany Borough and Dyberry Township in the borough of Bethany Wayne County a distance of about 1.40 miles

Route 963 Extending Route 963 Beginning at a point on Dyberry Township-Bethany Borough line thence northerly on Spruce Street to an intersection with the continuation of Route 950 in the borough of Bethany Wayne County a distance of about 0.02 of a mile

Honesdale Borough

Route 960 Extending Route 960 Beginning at a point on the Texas Township-Honesdale Borough line thence easterly on Maple Avenue to an intersection with Route 6 at Maple Avenue and Park Street in the borough of Honesdale Wayne County a distance of about 0.30 of a mile

Starrucca Borough

Route 57054 Extending Route 57054 Beginning at a point on Route 57054 at the Susquehanna-Wayne County line thence in a southeasterly direction over the Depot Road to an intersection with State Highway Route 296 in Starrucca Borrough Wayne County a distance of about 0.4 of a mile

Waymart Borough

Route 949 Extending Route 949 Beginning at a point on the Canaan Township-Waymart Borough line thence northerly on Belmont Street to Route 949 on the Waymart Borough-Clinton Township line in the Borough of Waymart Wayne County a distance of about 1.37 miles

WESTMORELAND COUNTY

South Greensburg Borough

Route 64111 Extending Route 64111 Beginning at a point on the Hempfield Township-South Greensburg Borough line thence in a southeasterly direction over a borough street to a point on the South Greensburg Borough-Hempfield Township line in the borough of South Greensburg Westmoreland County a distance of about 0.10 of a mile

WYOMING COUNTY

Factoryville Borough

Application 531 Beginning at a point on the line between Factoryville Borough and Lackawanna County thence over Academy and Main Streets to the Clinton Township line also by spur from Academy and Maple Streets northeasterly over Maple Street to Route 9 in the borough of Factoryville Wyoming County a distance of about 0.98 of a mile

Laceyville Borough

Route 08032 Extending Route 08032 Beginning at a point on the Bradford County-Laceyville Borough line at the end of Route 08032 thence in a southerly direction on Church Street to an intersection with Route 241 at Church and Main Streets in the borough of Laceyville Wyoming County a distance of about 0.29 of a mile

Nicholson Borough

Route 939 Extending Route 939 Beginning at a point on the Nicholson Township-Nicholson Borough line thence northerly on Bridge Street to Route 479 at Bridge and Bacon Streets thence from a second point on Route 479 northerly on Bacon and Quarry Streets to Route 939 at the Nicholson Borough-Nicholson Township line in the borough of Nicholson Wyoming County a distance of about 0.88 of a mile

YORK COUNTY

Dallastown Borough

Route 66140 Extending Route 66140 Beginning at a point on the York Township-Dallastown Borough line thence in a northeasterly direction on Franklin Street to an intersection with Route 216 at Franklin and Main Streets in the borough of Dallastown York County a distance of about 0.1 of a mile

Fawn Grove Borough

Application 2974 Beginning at a point on the Maryland State-Fawn Grove Borough line thence over Belair Road to an intersection with Route 66067 at Belair Road and Main Street in the borough of Fawn Grove York County a distance of about 0.47 of a mile

Glen Rock Borough

Application 2339 Beginning at a point on the Shrewsbury Township-Glen Rock Borough line thence over Baltimore Street to an intersection with Route 441 and Route 715 at Baltimore Manchester and Main Streets in the borough of Glen Rock York County a distance of about 0.4 of a mile

Goldsboro Borough

Route 892 Extending Route 892 Beginning at a point on the Newberry Township-Goldsboro Borough line thence in a general southerly direction on Railroad Zeigler and North York Streets to an intersection with Routes 449 and 66003 at North York Street and Broadway in the borough of Goldsboro York County a distance of about 0.71 of a mile

Hanover Borough

Route 01062 Extending Route 01062 Beginning at a point on the Adams-York County line thence easterly over Elm Avenue to Route 342 at Elm Avenue and Carlisle Street in the borough of Hanover York County a distance of about 0.47 of a mile

Jefferson Borough

Application 2003 Beginning at a point on the Codorus Township-Jefferson Borough line thence over Baltimore and York Streets to the Jefferson Borough-North Codorus Township line in the borough of Jefferson York County a distance of about 0.81 of a mile

New Freedom Borough

Application 2002 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over East Main Street to an intersection with Route 66073 at Main Street and Shrewsbury Avenue in the borough of New Freedom York County a distance of about 0.66 of a mile

Application 4929 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over Front Street to an intersection with Route 66073 at Front and Main Streets in the borough of New Freedom York County a distance of about 1.02 miles

Red Lion Borough

Application 3941 Beginning at a point on the Windsor Township-Red Lion Borough line thence northerly on Main Street to an intersection with Route 333 in the borough of Red Lion York County a distance of about 0.17 of a mile

Stewartstown Borough

Route 66119 Extending Route 66119 Beginning at a point on the Hopewell Township-Stewartstown Borough line thence over Hill Street to an intersection with Route 66011 at Hill and Mill Streets in the borough of Stewartstown York County a distance of about 0.43 of a mile

Windsor Borough

Application 401 Beginning at a point on the western Windsor Township-Windsor Borough line at the end of Application 402 thence over Main Street to Route 714 at the eastern borough line in the borough of Windsor York County a distance of about 1.01 miles

Route 66141 Extending Route 66141 Beginning at a point on the Windsor Township-Windsor Borough line thence in a northerly direction on South Penn Street to an intersection with Route 66020 and Application 401 at Penn and Main Streets in the borough of Windsor York County a distance of about 0.1 of a mile

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Male,	Shaw,
Alexander,	Eroe,	Mallen,	Shepard,
Allen,	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shreiner,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Aukerman,	Flinchbaugh,	McKinney,	Sinwell,
Baine,	Flynn,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrum,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,

NAYS—1

Forrest,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECONSIDERATION OF HOUSE BILL NO. 2692

Mr. KILROY. Mr. Speaker, I move that the vote by which House Bill No. 2692, Printer's No. 1396, entitled:

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a Board of Magistrates; providing for their qualifications; providing for a chief magistrate; prescribing their powers and duties; providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia; providing for clerks and stenographers; continuing a central administrative office and establishing the office of Bail Commissioner; imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this Act; and repealing certain prior acts.

was defeated on final passage June 11, 1935, be reconsidered.

Mr. HAGERTY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Kilroy vote on the final passage of this bill?

Mr. KILROY. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Hagerty, vote on the final passage of this bill?

Mr. HAGERTY. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

MOTION TO MAKE SPECIAL ORDER

Mr. WOODSIDE. Mr. Speaker, I move that this motion be made a special order of business at 9.00 o'clock tonight.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker, I ask for a roll call, and I ask for a roll call, because I understand that there was an arrangement and agreement that nothing of a controversial nature was to be taken up until 9.00 o'clock night.

Mr. BALDI. Mr. Speaker, I second the call for a roll call.

Mr. WOODSIDE. Mr. Speaker, I want to state that the reason I made this motion was because I was informed by Mr. Witkin, Chairman of the Republican Steering Committee, that there had been an agreement between him and the Democratic Floor Leader that there would not be anything of a controversial nature at this session that was to be held between four and six o'clock this afternoon. I think the motion should be carried and the matter should be put over until 9.00 o'clock this evening.

The yeas and nays were required by Mr. SOWERS and Mr. BALDI.

Mr. TAHL. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS.—65

Altenburg,	Denning,	Longaker,	Sowers,
Atkins,	Downey, J. J.,	McKinney,	Spangler,
Baker, F. T.,	Duffort,	Merrell,	Stewart,
Baldi,	Ferko,	Moore,	Stockham,
Barnhardt,	Forrest,	Muir,	Stott,
Bernhard,	Gates,	Nothnagle,	Tahl,
Boose,	Gillette,	Parks,	Terry,
Boyd, R.,	Green,	Perry,	Trout,
Boyer,	Greenstein,	Phillips,	Van Allsburg,
Brennan,	Hamilton, R. S.,	Rhys,	Wall,
Cannon,	Hermansen,	Root,	Wasserman,
Caputo,	Hoopes,	Schrock,	Weidemann,
Carr,	Horst,	Schwartz,	Winner,
Castor,	Jackson,	Simpson,	Wood,
Condon,	Jones,	Sloan,	Woodside,
Conner,	Kane,	Snyder, F. E.,	Zimmerman,
Davies,	Kelder,	Snyder, J. L.,	

NAYS.—98

Achterman,	Finnerty,	McCreary,	Scanlon,
Alexander,	Fitch,	McDermott,	Schrope,
Allen,	Flanagan,	Melchiorre,	Schwab,
Arnold,	Flinchbaugh,	Mentzer,	Shaw,
Aukerman,	Furman,	Moomaw,	Shepard,
Baine,	Gerard,	Mooney,	Siegel,
Baker, J. J.,	Haberlen,	Moran,	Simon,
Barber,	Hagerty,	Moul,	Sinwell,
Bradley,	Haluska,	Munley,	Smith, J. A.,
Brancato,	Hamilton, F. P.,	Murrin,	Stank,
Brown, J. E.,	Harkins,	Nagel,	Stevens,
Brownfield,	Harmuth,	O'Keefe,	Stone,
Brumbaugh,	Hartman,	Ominsky,	Sumney,
Burke,	Hetrick,	O'Neill,	Tronzo,
Carson,	Hirsch,	Panton,	Tumelty,
Coakley,	Holland,	Patterson, C.,	Van Sickle,
Cohen,	Holstrom,	Patterson, J. W.,	Walker,
Coleman,	Kilroy,	Pearson,	Weiss,
Coolahan,	Kinney,	Pfaff,	Welliver,
Decker,	Klingler,	Piole,	Welsh,
Diehl,	Kobelak,	Powers,	Westrick,
Downey, G. E.,	LaRue,	Reising,	Yourishin,
Eberharter,	Lovett,	Robinson,	Zappala,
Eroe,	Lynch,	Ruffennach,	Sarig,
Falkenstein,	Male,	Ruth,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the motion to reconsider the vote by which the bill was defeated?

MOTION TO MAKE SPECIAL ORDER

Mr. TAHL. Mr. Speaker, I move that the motion to reconsider the vote by which House Bill No. 2692, was defeated on final passage be made a special order for tomorrow, Wednesday, June 12, at 12:00 o'clock noon.

On the question,

Will the House agree to the motion?

Mr. TAHL. Mr. Speaker, I ask for a roll call.

Mr. WHITE. Mr. Speaker I second the call for a roll call.

Mr. TAHL. Mr. Speaker and members of the House,—

Mr. TUMELTY. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. James W. Patterson, Pfaff, George E. Downey, Harmuth, Stank, Welliver, Falkenstein, McDermott, Powers, John E. Brown, Siegel, Hindman, Hartman, Hirsch, Fitch, Alexander, Holstrom, Klinger, Decker, Frank P. Hamilton and others.

On the question,

Shall the main question be now put?

POINT OF ORDER

Mr. TAHL. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, will state his point of order.

Mr. TAHL. Mr. Speaker, I had the floor, and I was recognized by the Chair, and I think that motion is out of place.

The SPEAKER. The point of order is not well taken. A motion for the previous question is in order during debate.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TAHL. Mr. Speaker, I rise to a question of parlimentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parlimentary inquiry.

Mr. TAHL. Mr. Speaker, is this motion debatable?

The SPEAKER. There is nothing in order but the call for the main question. The question is: Shall the main question be now put? A roll call having been demanded, the roll will be called.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a question of parlimentary inquiry.

The SPEAKER. The gentleman from Dauphin will state his question of parlimentary inquiry.

Mr. WOODSIDE. Mr. Speaker, do I understand that the matter which is now before the House is a motion to put the question as to whether or not the motion to reconsider should be considered or whether the main question which is now before the House is the question on Mr. Tahl's motion?

The SPEAKER. The main question is the question on the motion to reconsider.

The Chair will read Rule 68 for the information of the members:

"The previous question shall not be moved by less than twenty members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained, it shall not cut off any pending amendment but the vote shall be taken without debate on the amendments in their order, and then on the main question."

The main question before the House in this case is the motion to reconsider. A motion to make the main question a special order is a secondary motion.

The Chair will also read from Jefferson's Manual:

Section 442. "Previous question decided affirmatively forces a vote on amendments, then on the main question." The Chair will further read sections 445 and 454. "Previous Question is, Shall the main question be now put," i. e., at this instant it can admit of no modification."

The House itself will decide whether it wants the main question put or not.

The question is,

Shall the main question be now put?

The motion was not agreed to.

MOTION MADE SPECIAL ORDER

Mr. RUTH. Mr. Speaker and members of the House, now that this motion has been defeated, I will explain the agreement that was made this afternoon, and that was to pass over all third reading bills that were controversial. This bill in question having been defeated was not considered. However, in order to play fair, I now make the motion to make it a special order of business this evening at nine o'clock.

The motion was agreed to.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 9:00 P. M. Are there objections? The Chair hears none and declares a recess until 9:00 P. M.

AFTER RECESS

The House reconvened at 9:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

QUESTION OF PERSONAL PRIVILEGE

Mr. WITKIN. Mr. Speaker I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will state his question of personal privilege.

Mr. WITKIN. Mr. Speaker and members of the House, and particularly my Republican colleagues, we had a session this afternoon from four until about six o'clock. I was not present at that session. I feel that I should explain to the Republican members in this House, at least, as to why I was not present. I also feel that I should explain to those members of the Republican party to whom I stated that there would be no controversial matters discussed or taken up at the afternoon session, and that the only matters that would be taken up by the Speaker or by the House would be non-controversial matters and for that reason they need not attend the afternoon session, why I made that statement.

I want to say to the Republican members of this House that the reason I was not here and the reason I made those statements was because I had a definite agreement with the Speaker of this House or, rather in the presence of the Speaker of this House and in the presence of the parlimentarian of this House, Mr. Eddie Moore, with the gentleman from Berks, Mr. Ruth, and for your information—and I call upon either of those two gentlemen present if I am in error—the agreement I made was that no controversial matters would be taken up by this House. I left this afternoon and did not return, having faith in the word of the gentleman with whom I made that agreement. I believed that I could leave the House and that if any controversial matters came up, the first man to be on his feet would be the gentleman with whom I made the agreement, to advise this House that no controversial matter ought to be taken up in view of that agreement.

I was amazed and dumbfounded when I understood that there was an effort made to reconsider the vote on a controversial matter, to wit, House Bill No. 2692. I was amazed to find out that despite the protestations of the genleman from Dauphin, Mr. Woodside, and the gentleman from Philadelphia, Mr. Sowers, that there was such an agreement, that there was no expression from the other side of this House until after extended debate.

I want to pay my respects to the gentleman from Philadelphia, Mr. Burke, because I understand that he was one of the few gentlemen who, having learned of the agreement, endeavored to see to it that it was carried out, and he has my admiration and respect, but I want equally to decry the fact that I cannot, as it has been proved to me, leave this House under any agreement with the gentleman from Berks, Mr. Ruth—

The SPEAKER. The Chair rules that the gentleman has no right to cast personal reflections. The gentleman will proceed.

Mr. WITKIN. Mr. Speaker and members of the House, my personal reference was merely to justify my statement to those of you to whom I gave my word that controversial matters would not be taken up. I gave you my word because I got the word of the gentleman from Berks, Mr. Ruth, otherwise I would not have given you my word—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. EBERHARTER. Mr. Speaker, the gentleman is casting reflections upon a member of the House.

The SPEAKER. The Chair has already ruled that the gentleman has no right to cast reflections upon any member of the House. The gentleman will please refrain from doing so.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. McKINNEY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parlimentary inquiry.

Mr. McKINNEY. Mr. Speaker, is a statement of truth casting a reflection?

The SPEAKER. The rules of the House state that a member cannot cast reflection upon another member. The gentleman from Philadelphia will proceed.

Mr. WITKIN. Mr. Speaker and members of the House, I shall talk but one more minute. If I am correctly informed the gentleman from Berks, Mr. Ruth, rose upon this floor finally today and said that the understanding was that only controversial matters upon third reading bills were involved. I want to say to the membership of this House that that is not so, that there was no agreement limiting the matter to third reading bills. The Speaker of the House, Parliamentarian of the House were there, and they can give verification to the truthfulness of my statement or to its falsity, but the agreement, as I remember it was that no controversial matter would be taken up.

I thought that the tactics that were employed at the beginning of the session had ceased and that we had come to a better understanding of one another. I have been in this House for many a session and I have made agreements on many occasions but this is the first time that I have taken the floor of this House to say that a man had broken faith with me.

I want to assure the members of the Republican party that you, having reposed faith in me, that irrespective of the circumstances—although I am frank to say that the circumstance of my not being here today was purely of my own convenience and not urgent—I shall not leave this House again under any agreement but that I shall be here as your chosen representative on all matters.

I regret very much that we have reached the state in the House of Representatives in the State of Pennsylvania, where two men make an agreement and then not keep it.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

Mr. RUTH. Mr. Speaker and members of the House, I will answer the gentleman from Philadelphia on some

matters. On his slurs I will not, because I am used to those by this time.

My understanding was that we were discussing bills on third reading at that time on the calendar. This bill was not up for discussion at that time and when it was disclosed that it was the best thing to do, we did the best thing and made a motion to lay it over as a special order of business until this evening. We did that because it was the fair thing to do. When we were discussing the agreement, I understood that we were talking only about third reading calendar bills and this bill was not gone over and was not considered at all in the discussion at the desk.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

INCOME TAX

A resolution from Berks County Ponoma Grange protesting passage of two per cent gasoline tax, and urging passage of flat income tax.

Referred to the Committee on Ways and Means.

GAME LAWS

A resolution from the Berks County Ponoma Grange urging revision of game laws.

Referred to the Committee on Game.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WOODSIDE. RESOLUTION No. 171.

In the House of Representatives, June 11, 1935.

Whereas, The Committee on Education, which should deal in the main with bills relating to the public schools and educational institutions, is compelled, under the present set up of House committees to also consider the many bills which deal with the licensure of professions and occupations which are licensed through the Department of Public Instruction; and

Whereas, The number of licensed occupations and professions has so increased in the recent years as to make the consideration of these measures a real burden on the Committee on Education, while, at the same time, they lessen the time of the committee available for the study of educational measures; and

Whereas, The Committee on Education is of the opinion that an additional committee should be created to consider legislation relating to the State licensing of professions and occupations; therefore be it

Resolved, That Rule 27 of the House be amended by adding thereto a standing Committee on Professional Licensure.

Referred to the Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 952. (HOUSE BILL No. 2971).

An Act to amend section three hundred and ten of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability.

Referred to the Committee on Insurance.

SENATE BILL No. 52. (HOUSE BILL No. 2972).

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth and providing for an appeal to the Court of Common Pleas of Dauphin County.

Referred to the Committee on Corporations.

SENATE BILL No. 116. (HOUSE BILL No. 2973).

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

Referred to the Committee on Counties.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate, being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 117. (HOUSE BILL No. 2974).

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation from all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs towns and townships of the second class and repealing inconsistent legislation.

Referred to the Committee on Counties.

SENATE BILL No. 578. (HOUSE BILL No. 2975).

A Joint Resolution proposing an amendment to section one article eight of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 891. (HOUSE BILL No. 2976).

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

Referred to the Committee on Appropriations.

SENATE BILL No. 949. (HOUSE BILL No. 2977).

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the establishment of the first permanent white settlement the first capitol and the first courts of law within the confines of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1032. (HOUSE BILL No. 2978).

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

Referred to the Committee on Insurance.

SENATE BILL No. 1315. (HOUSE BILL No. 2979).

An Act to amend sections three hundred and forty-one three hundred and forty-two, and three hundred and forty-three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto

Referred to the Committee on Insurance.

SENATE BILL No. 1357. (HOUSE BILL No. 2980).

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty.

Referred to the Committee on Military Affairs.

SENATE BILL No. 1399. (HOUSE BILL No. 2981).

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

Referred to the Committee on Military Affairs.

SENATE BILL No. 1458. (HOUSE BILL No. 2982).

An Act to amend sections six and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1481. (HOUSE BILL No. 2983).

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

Referred to the Committee on State Government.

SENATE BILL No. 1484. (HOUSE BILL No. 2984).

An Act to further amend the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities allowances returns benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

Referred to the Committee on Pension and Gratuities.

SENATE BILL No. 1514. (HOUSE Bill No. 2985).

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person, not exceeding one hundred dollars per month," by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe.

Referred to the Committee on Pension and Gratuities.

SENATE BILL No. 1526. (HOUSE BILL No. 2986).

An Act fixing the salary of the clerk to the President of the Senate.

Referred to the Committee on State Government.

SENATE BILL No. 1534. (HOUSE BILL No. 2987).

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1535. (HOUSE Bill No. 2983).

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

Referred to the Committee on Appropriations.

SENATE BILL No. 1538. (HOUSE BILL No. 2989).

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations of a public improvement which were to rest alone for their security upon payment of assessments for benefits.

Referred to the Committee on Judiciary Special.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 339.

An Act to repeal the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-six), entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations, companies, associations, and individuals; prescribing the powers of such police; authorizing the Governor to investigate their work, and require periodical reports from them; imposing duties upon the Secretary of the Commonwealth and recorders of deeds; and imposing penalties."

HOUSE BILL No. 252.

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" abolishing the county poll tax in counties of the second and third class and eliminating provision for the assessment and consolidation of poll taxes for voting purposes

HOUSE BILL No. 1621.

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (Pamphlet Laws sixty-six) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

HOUSE BILL No. 183.

A Joint Resolution proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania

HOUSE BILL No. 1035.

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain addtional classes eligible to receive compensation

HOUSE BILL No. 2547.

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three-thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefore be made during the lifetime of the claimant.

HOUSE BILL No. 1692.

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury limiting the time within which claims for refunds must be made.

HOUSE BILL No. 2064.

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation.

HOUSE BILL No. 2066.

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force

HOUSE BILL No. 2293.

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township, Chester County, Pennsylvania, for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States, and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsyl-

vania with the United States on such land for the services of legal process thereupon.

HOUSE BILL No. 2210.

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith

HOUSE BILL No. 2653.

An Act granting permission to the Borough of Camp Hill Pennsylvania the Borough of Lemoyne Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

HOUSE BILL No. 1914.

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the quaranty by the Commonwealth of certain of said funds imposing powers and duties upon board having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in

HOUSE BILL No. 1973.

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

HOUSE BILL No. 812.

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

HOUSE BILL No. 2325.

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 67

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 67, Printer's No. 1297, entitled, "An act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled 'An act to provide civil rights for all people regardless of race or color' amplifying and extending the provisions of said act and increasing the penalties for violation thereof."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 861, 894, 1078, 1716, 1885, AND 2117

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, June 10, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 861, Printer's No. 538, entitled, "An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled 'An act fixing the time when statutory law hereafter enacted shall become effective.'"

House Bill No. 894, Printer's No. 877, entitled, "An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled 'An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto' further regulating the jurisdiction of the courts in divorce actions."

House Bill No. 1078, Printer's No. 460, entitled "An Act relating to judgments by agreement."

House Bill No. 1716, Printer's No. 1083, entitled, "An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all lays general special or local or any parts thereof that are or may be inconsistent therewith' authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library already exists."

House Bill No. 1885, Printer's No. 1035, entitled, "An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio."

House Bill No. 2117, Printer's No. 1193, entitled, "An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same."

GEORGE H. EARLE.

SPECIAL ORDER ON MOTION

The SPEAKER. The Chair now lays before the House the special order fixed for this time:

Moved by Mr. Kilroy, seconded by Mr. Hagerty, that the vote by which House Bill No. 2692, was defeated on final passage, June 11, 1935, be reconsidered.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. TAHL and were as follows:

YEAS—108

Achterman,	Eberharter,	Lynch,	Ruth,
Alexander,	Falkenstein,	Male,	Sarraf,
Allen,	Finnerty,	McCreary,	Scanlon,
Andrews,	Fitch,	McDermott,	Schrope,
Arnold,	Flanagan,	McElroy,	Schwab,
Baine,	Flinchbaugh,	McHenry,	Shaw,
Baker, J. J.,	Furman,	Melchiorre,	Shepard,
Barber,	Gerard,	Mentzer,	Siegel,
Bradley,	Haberlen,	Moomaw,	Simon,
Brancato,	Hagerty,	Mooney,	Sinwell,
Brown, J. E.,	Haluska,	Moran,	Smith, J. A.,
Brownfield,	Hamilton, F. P.,	Moul,	Smith, W. G.,
Brumbaugh,	Harkins,	Munley,	Stank,
Burke,	Harmuth,	Murrin,	Stevens,
Caputo,	Hartman,	Nagel,	Stone,
Carson,	Hetrick,	O'Keefe,	Sumney,
Chervenak,	Hindman,	Ominsky,	Tronzo,
Coakley,	Hirsch,	Panton,	Tumelty,
Cochran,	Holland,	Patterson, C.,	Van Sickle,
Cohen,	Holstrom,	Patterson, J. W.,	Walker,
Coleman,	Kelso,	Pearson,	Weiss,
Coolahan,	Kilroy,	Pfaff,	Welliver,
Decker,	Kinney,	Piole,	Welsh,
Dent,	Klinger,	Powers,	Westrick,
Diehl,	Kobelak,	Reising,	Yourishin,
Dilley,	Long,	Robinson,	Zappala,
Downey, G. E.,	Lovett,	Ruffennach,	Sarig,
Downey, J. J.,			

NAYS—67

Altenburg,	Denning,	Moore,	Stewart,
Atkins,	Duffort,	Muir,	Stockham,
Baker, F. T.,	Ferko,	Nothnagle,	Stott,
Baldi,	Forrest,	Parks,	Surface,
Barnhardt,	Gates,	Perry,	Tahl,
Bernhard,	Gillette,	Phillips,	Trout,
Blumberg,	Green,	Rhys,	Van Allsburg,
Boose,	Greenstein,	Roan,	Wall,
Boyd, R.,	Habbyshaw,	Root,	Wasserman,
Boyer,	Hamilton, R. S.,	Schrock,	Weidemann,
Brennan,	Hoopes,	Shreiner,	White,
Carr,	Horst,	Simpson,	Wickersham,
Castor,	Kane,	Sloan,	Winner,
Condon,	Longaker,	Snyder, F. E.,	Witkin,
Conner,	McDevitt,	Snyder, J. L.,	Wood,
Cordier,	McKinney,	Sowers,	Woodside,
Davies,	Merrell,	Spangler,	

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

MOTION TO MAKE HOUSE BILL NO. 2692 A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 2692 be made a special order of business on final passage tomorrow at eleven thirty o'clock.

Mr. BURKE. Mr. Speaker, I believe that the hour of eleven thirty has already been assigned to another bill on special order.

The SPEAKER. The gentleman is correct. The time will have to be changed.

Mr. RUTH. Mr. Speaker, I withdraw my motion.

On the question recurring,

Shall the bill pass finally?

MOTION TO MAKE HOUSE BILL NO. 2692 A SPECIAL ORDER

Mr. SOWERS. Mr. Speaker, I move that this bill be made a special order tomorrow at twelve o'clock noon.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that you have before you is very important and it ought at least be studied carefully by every member of this House.

I made this motion to have the bill made a special order so as to give me an opportunity to study the bill carefully tonight. There seem to be three or four defects in the bill, which might affect its validity, and the House ought to have a chance to correct those errors, if they finally believe them to be errors.

I ask this House, as a courtesy to the gentleman from Philadelphia, to allow us to have the night to go over this bill very carefully.

On the question recurring,

Will the House agree to the motion?

The yeas any nays were required by Mr. WITKIN and Mr. WHITE.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—74

Altenburg,	Ferko,	Moore,	Stewart,
Atkins,	Forrest,	Muir,	Stockham,
Baker, F. T.,	Gates,	Nothnagle,	Stott,
Baldi,	Gillette,	Parks,	Surface,
Barnhardt,	Green,	Perry,	Tahl,
Bernhard,	Greenstein,	Phillips,	Terry,
Blumberg,	Habbyshaw,	Rhys,	Trout,
Boose,	Hamilton, R. S.,	Roan,	Van Allsburg,
Boyd, R.,	Hart,	Root,	Wall,
Boyer,	Hefferon,	Schrock,	Wasserman,
Brennan,	Hermansen,	Shreiner,	Weidemann,
Carr,	Horst,	Simpson,	White,
Castor,	Jackson,	Sloan,	Wickersham,
Condon,	Kane,	Snyder, F. E.,	Winner,
Conner,	Kelder,	Snyder, J. L.,	Witkin,
Cordier,	Longaker,	Sowers,	Wood,
Davies,	McDevitt,	Spangler,	Woodside,
Denning,	McKinney,	Sproul,	Zimmerman,
Duffort,	Merrell,		

NAYS—115

Achterman,	Eberharter,	Lovett,	Ruffennach,
Alexander,	Eroe,	Lynch,	Ruth,
Allen,	Falkenstein,	Male,	Sarraf,
Andrews,	Finnerty,	McCreary,	Scanlon,
Arnold,	Fitch,	McDermott,	Schrope,
Baine,	Flanagan,	McElroy,	Schwab,
Baker, J J.,	Flinchbaugh,	McHenry,	Shaw,
Barber,	Furman,	Melchiorre,	Shepard,
Bradley,	Gerard,	Mentzer,	Siegel,
Brancato,	Haberlen,	Moomaw,	Simon,
Brown, H. S.,	Hagerty,	Mooney,	Sinwell,
Brown J. E.,	Haluska,	Moran,	Smith, J. A.,
Brownfield,	Hamilton, F. P.,	Moul,	Smith, W. G.,
Brumbaugh,	Harkins,	Munley,	Stank,
Burke,	Harmuth,	Murrin,	Stevens,
Caputo,	Hartman,	Nagel,	Stone,
Carson,	Hetrick,	O'Keefe,	Sumney,
Chervenak,	Hindman,	Ominsky,	Tronzo,
Coakley,	Hirsch,	O'Neill,	Tumelty,
Cochran,	Holland,	Panton,	Van Sickle,
Cohen,	Holstrum,	Patterson, C.,	Walker,
Coleman,	Hoopes,	Patterson, J. W.,	Weiss,
Coolahan,	Kelso,	Pearson,	Wellíver,
Decker,	Kilroy,	Pfaff,	Welsh,
Dent,	Kinney,	Piole,	Westrick,
Diehl,	Klingler,	Powers,	Yourishin,
Dilley,	Kobelak,	Reising,	Zappala,
Downey, G. E.,	LaRue,	Rinn,	Sarig,
Downey, J. J.,	Long,	Robinson,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. MOUL. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. LaRue — — —

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. There is nothing in order but the seconding of the previous question.

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WITKIN. The Chair has just placed the question before the House, and no one has had the opportunity of debating the question. Is the previous question in order before there is any debate upon the subject?

The SPEAKER. The point of order is not well taken. The question before the House was on the final passage of the bill, and the motion for the previous question is in order.

APPEAL FROM DECISION OF CHAIR

Mr. WITKIN. Mr. Speaker, I appeal from the decision of the Chair.

Mr. TAHL. Mr. Speaker, I second the appeal.

The SPEAKER. Two members having appealed from the decision of the Chair, the Chair calls upon the gentleman from Cambria, Mr. Andrews to preside.

MR. ANDREWS IN THE CHAIR

The SPEAKER. The question before the House is:

Shall the ruling of the Chair stand as the decision of the House?

Mr. WITKINS. Mr. Speaker, and members of the House we are faced with a rather extraordinary situation. This bill was acted upon this afternoon. I do not recall the exact vote, but that is not immaterial to this issue. My recollection is that it was defeated by a rather overwhelming vote. We have just had various motions made in connection with this bill. It is a matter of considerable importance and some of us are in favor of it and some of us — — —

POINT OF ORDER

Mr. OMINSKY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. OMINSKY. Mr. Speaker, the gentleman from Philadelphia is not speaking on the question before the House, which is an appeal from the decision of the Chair. He is discussing the merits of the bill.

The SPEAKER. The gentleman from Philadelphia will confine himself to the question, which is the appeal from the ruling of the Chair.

Mr. WITKIN. Mr. Speaker and members of the House, I have not said one word concerning the merits or demerits of this bill and do not attempt so to do.

I do say, however, that several of us have expressions of opinion to give upon this particular bill. We are particularly anxious to give these opinions, because of the fact that a number of members of this House have apparently this afternoon had certain opinions upon this bill. We believe that a discussion of the merits of this bill or the demerits of this bill is important for the information of the House.

Mr. EROE. Mr. Speaker, I must insist that the gentleman talk upon the subject before the House, which is the appeal from the ruling of the Chair.

The SPEAKER. The Chair is of the opinion that the gentleman from Philadelphia so far has been within his rights. The gentleman will proceed.

Mr. WITKIN. Mr. Speaker and members of the House, I reiterate, because of the interruption, that I believe for certain reasons there has been a change, perhaps a proper change and perhaps an improper change, in the minds of the membership of this House from this afternoon until this evening concerning this bill and we opposed it successfully this afternoon ought at least to have the opportunity, only the opportunity of hearing from those of you who are opposed, or in favor———

POINT OF ORDER

Mr. WEISS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WEISS. Mr. Speaker, the gentleman from Philadelphia is not talking on the question before this House.

The SPEAKER. The Chair is of the opinion that the question before the House is purely a parliamentary point. The gentleman from Philadelphia has appealed from the ruling of the Chair on the basis of a purely parliamentary point, and the Chair would request the gentleman from Philadelphia to discuss the parliamentary point.

Mr. WITKIN. Mr. Speaker and members of the House, I repeat that I believe that in view of the fact that there have been certain changes in the minds of some men since this bill was acted upon this afternoon and is now about to be acted upon again, there ought to be given to

the membership of this House the opportunity of expression of opinion

I believe that the Democratic leaders of this House have stated that they have no desire to stifle debate. The Chair ruled, before debate ensued, that the bill was before the House, and no man had the right to utter a word for or against. I think we have the right to be heard and I think that when the Chair rules that a previous question is in order, before anybody has discussed the question that the Chair has usurped powers that are not justifiable. I believe that ruling is a vicious one in American democracy and I believe it is a ruling that is against freedom of expression. I believe it is a ruling against the freedom of speech—

QUESTION OF PARLIAMENTARY INQUIRY

Mr. YOURISHIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. YOURISHIN. Mr. Speaker, on a motion to move the previous question, does the Chair have the right to say whether or not the motion shall be put, or does the Chair have only one course to follow, and that is to put the motion as made.

The SPEAKER. That is the question that is before the House at the present time, the question that the gentleman from Philadelphia is presumably debating. The gentleman from Philadelphia will proceed.

Mr. WITKIN. Mr. Speaker and members of the House, I have appealed from the decision of the Chair, because I think the Chair was wrong and because I am going to ask you to say he was wrong. I am asking you to say he was wrong because I think his decision strikes at the fundamental principles of the constitution of Pennsylvania. I have appealed from the decision of the Chair, because I believe that the Chair has ruled against the fundamental principles of the constitution of Pennsylvania and the constitution of the United States. We in this country are guaranteed at least one thing and that is freedom of speech and the expression of our thoughts. We certainly have the right to express our views in this great legislative hall. We have the right not to be stifled before we begin.

If there had been any debate upon this subject and it had been prolonged for a short time, I concede your right to move the previous question, but where there has been no opportunity, where there has been nothing said, then I say when the Speaker hands down a ruling that the previous question is in order that that ruling is a vicious ruling, it is an unconstitutional ruling and it is a ruling that is a partisan and improper ruling of the Chair.

I also want the right of one thing: I want the right of this minority to express its opinion in fair debate. I recognize the right of the majority to govern. I am satisfied to let you stop us when we have proceeded, so far as your opinion goes, far enough. I do not expect much latitude. I have been here since January and I know that I ought not expect a great latitude, but I do say—

POINT OF ORDER

Mr. EROE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. EROE. Mr. Speaker, I submit that the gentleman has not stated one reason why he appeals from the decision of the Chair.

The SPEAKER. The Chair would ask the gentleman from Philadelphia gradually to approach the question of parliamentary procedure confronting the House.

For the information of the gentleman from Philadelphia the Chair would ask the indulgence of the gentleman from Philadelphia and of the House to read from Jefferson's Manual, Section 455:

"When any question is before the House, any member may move a previous question, 'whether that question (called the main question) shall now be put?' If it passes in the affirmative, that the main question is to be put immediately, and no man may speak anything further to it, either to add or to alter."

That is the proposition that is facing the House on the proposition to which I hope the gentleman from Philadelphia will address his remarks.

Mr. WITKIN. Mr. Speaker, the Speaker who now holds the Chair has me somewhat at a disadvantage, because he is occupying the position of presiding officer. I would be glad to debate that issue with him if he will retire from the rostrum and debate it with me. It is because—

The SPEAKER. The Chair was with kindly intent endeavoring to give the gentleman a lead that would gradually introduce him to the merits of the question before the House.

Mr. WITKIN. Mr. Speaker, I have always been afraid of strange Greeks bearing gifts.

POINT OF ORDER

Mr. BURKE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Burke, will state his point of order.

Mr. BURKE. Mr. Speaker, the gentleman from Philadelphia, Mr. Witkin, from the tenor of his debate bases his objections on grounds that I cannot perceive, namely, his rights under the Constitution of the United States and the Constitution of Pennsylvania. Under Rule four of the ouse on questions of order, "All questions of order involving the determination—

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I have risen and I rise again to a point of order.

The SPEAKER. The Chair would state for the information of both gentlemen that there can only be one point of order before the House at one time. We are now debating a point of order and the only question that can be urged is whether the gentleman from Philadelphia is within his rights in debating it.

Mr. BURKE. Mr. Speaker, I asked the floor on that point. I did not finish my point of order.

The SPEAKER. The Chair rules that the gentleman has the right to debate the issue before the House, and the point of order that the gentleman from Philadelphia raises must be as to whether the remarks of the gentleman from Philadelphia are relevant.

Mr. BURKE. Mr. Speaker, my point of order is along that channel. I had not finished my point of order when I was interrupted.

The SPEAKER. The gentleman from Philadelphia, Mr. Burke, will proceed.

Mr. BURKE. Mr. Speaker, I raised the point of order, because the gentleman's objection is founded on his rights

under the Constitution of the United States and of the Commonwealth of Pennsylvania.

Under Rule 4, "Questions of Order." All questions of order involving the determination of constitutional law, shall be submitted to the House at the request of five members."

As I recall, Mr. Speaker, the point of order of the gentleman from Philadelphia, Mr. Witkin, was submitted to the House at the request of two members.

The SPEAKER. The point of order is not well taken.

The question before the House is as to whether or not the Chair was right in a parliamentary ruling. The Chair would request the gentleman from Philadelphia to discuss the parliamentary proprieties of the Chair's ruling. The gentleman will proceed.

Mr. WITKIN. Mr. Speaker and members of the House, with respect to the constitutional question, I believe that I have stated it under the point of order from which I am appealing. However, I believe that might follow the question that is before the House and five members will join in it.

May I say, following the argument, that when you move the previous question, there must be something pending before you can move the previous question. Moving the previous questions assumes that there has been a debate and that the membership wants to go back to the original question. In this particular matter there was no previous debate and there was no previous question. There was a present question that was before the House, it being present and immediately here, but the moving to go back to a previous question would be to go back to something that we were not yet discussing. Nobody opened their mouths on this bill. Therefore, there can be no previous question.

I want to say this to you, and that is, that the ruling of the Chair entertaining a motion for a previous question where there was no debate ought not to be sustained. If you vote to uphold the Chair, then those of you who do that vote for the principle that where bills come up before this House, before they are discussed, before they are argued, and from the moment that the Speaker places them before the House, at that very second you can stop debate. You are creating a precedent, and I say to you, that if this House goes on record as being in favor of upholding the Chair in stifling debate before it starts, then you stand for that principle upon every bill that comes before this House from now until the day we adjourn, and we of the minority will have learned what you of the majority want, and I for one assure you that I shall give you what you want on every motion and every bill that comes before this House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. YOURISHIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. YOURISHIN. Mr. Speaker, if a question is before the House, and if a member gets up and moves the previous question, does the Chair have any alternative than to recognize that motion?

The SPEAKER. The Chair ruled in effect that he had no alternative and that is the sum and substance of the matter before the House at the present time.

Mr. SOWERS. Mr. Speaker, it seems to me that the point of order is well taken in this matter for this reason—

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TUMELTY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TUMELTY. Mr. Speaker is this question debatable by any person other than the person who appealed from the ruling of the Chair and the Chair itself.

The SPEAKER. Any member of the House is at liberty to express his opinions upon this parliamentary issue.

Mr. HOOPES. Mr. Speaker, I move the previous question.

Mr. SOWERS. Mr. Speaker, do I not have the floor?

The CHAIR recognizes the gentleman from Philadelphia, Mr. Sowers. For what purpose does the gentleman rise?

Mr. SOWERS. Mr. Speaker, I had the floor when I was interrupted by the gentleman from Philadelphia. I did not surrender the floor. I was debating the subject matter, and I submit that no one else is entitled to the floor.

The SPEAKER. The Chair rules that a motion for a previous question is in order at anytime and upon the determination of the motion for the previous question will depend the gentleman has the floor — — —

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WITKIN. The Speaker, my point of order is that the motion made by the gentleman from Berks, Mr. Hoopes, is out of order.

The SPEAKER. The Chair, for the information of the gentleman from Philadelphia, will read rule 64: "No member when speaking shall be interrupted, except by a call to order by the Speaker, or by a member to explain, or by a motion for the previous question; nor shall any member be referred to by name in debate, unless for transgression of the rules of the House, and then by the Speaker only."

There is nothing in order except the motion for the previous question.

The motion for the previous question was seconded by Messrs. Zappala, Holstrom, John J. Baker, — — —

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, did the Chair rule that my point of order was out of order?

The SPEAKER. The Chair ruled that there was nothing before the House except the motion for the previous question.

Mr. WITKIN. Mr. Speaker, I appeal from your decision, that my point of order was out of order.

Mr. TAHL. Mr. Speaker, I second the appeal.

The SPEAKER. The House will be in order and the gentleman from Philadelphia will take his seat.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, do I understand now that the presiding officer rules that I do not have the right to take an appeal from a decision of the presiding officer?

The SPEAKER. It was only by indulgence that the Chair recognized the gentleman from Philadelphia, because the only matter that could have been before the House was to ascertain whether the motion for the previous question had been seconded. The Chair erred in recognizing the gentleman from Philadelphia. The House is now in the process of deciding whether the previous question shall now be put and no point of order can prevent the House from so deciding.

Mr. WITKIN. Mr. Speaker may I ask the Speaker's indulgence to state that the Speaker in ruling upon my point of order read, and the Legislative Journal will so indicate a ruling, but the presiding officer did not make a ruling as to whether my point of order was well taken or not well taken, and it was for that reason, if the Speaker will indulge me that I rose to ascertain that, because had he ruled that my point of order was not well taken, I would have immediately appealed from that decision. The Speaker did recognize me, you have permitted me to ascertain the matter, and I appealed from your decision.

The SPEAKER. There is nothing before the House but the seconding of the motion for the previous question.

The previous question was further seconded by Messrs. Bradley, Harkins — — —

Mr. WITKIN. Mr. Speaker——

The SPEAKER. The House will be in order and the gentleman will take his seat until the seconding of the motion for the previous question has been completed and the previous question has been put.

The business before the House is to decide the issue that the gentleman from Philadelphia has raised, and that is what we are now in the process of doing.

The previous question was further seconded by Messrs Kelso, Eroe, Brownfield, Decker, Baine, Shaw, O'Keefe, Murrin, Brumbaugh, Frank P. Hamilton, Alexander, Nagel, Dilley, George E. Downey, Harmuth, Pfaff and others.

On the question,

Shall the main question be now put?

The SPEAKER. Those voting "aye" vote on the main question which is: Shall the ruling of the Chair stand as the decision of the House? Those voting "no" vote not to sustain the ruling of the Chair.

The yeas and nays were required by Mr. SOWERS and Mr. WITKIN.

(The roll was called to and including the name of Smith, William G. during which time Mr. Witkin attempted to gain the recognition of the Chair.)

The SPEAKER. If the House desires the Chair will restate the question and give the House the privilege of another roll call.

The question before the House is: Shall the main question be now put? Those voting "aye" vote to bring the main question before the House which is: Shall the ruling of the Chair stand as the decision of the House? Those voting "no" vote not to bring the main question before the House.

Mr. WITKIN. Mr. Speaker, am I correct in my understanding that we are now voting on the previous question raised by the gentleman from Berks, Mr. Hoopes, as to whether the main question shall subsequently be put with respect to the sustaining or the non-sustaining of the Chair?

The SPEAKER. That is correct.

The yeas and nays were required by Mr. WITKIN and Mr. SOWERS.

Mr. WITKIN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—114

Achterman,	Downey, J. J.,	Long,	Robinson,
Alexander,	Eberharter,	Lovett,	Ruffennach,
Allen,	Eroe,	Lynch,	Ruth,
Andrews,	Falkenstein,	Male,	Sarraf,
Arnold,	Finnerty,	McCreary,	Scanlon,
Baine,	Fitch,	McDermott,	Schrope,
Baker, J. J.,	Flanagan,	McElroy,	Schwab,
Barber,	Flinchbaugh,	McHenry,	Shaw,
Bradley,	Furman,	Melchiorre,	Shepard,
Brancato,	Gerard,	Mentzer,	Siegel,
Brown, H. S.,	Haberlen,	Moomaw,	Simon,
Brown, J. E.,	Hagerty,	Mooney,	Sinwell,
Brownfield,	Haluska,	Moran,	Smith, J. A.,
Brumbaugh,	Hamilton, F. P.,	Moul,	Smith, W. G.,
Burke,	Harkins,	Munley,	Stank,
Cannon,	Harmuth,	Murrin,	Stevens,
Caputo,	Hartman,	Nagel,	Stone,
Carson,	Hetrick,	O'Keefe,	Sumney,
Chervenak,	Hindman,	Ominsky,	Tronzo,
Coakley,	Hirsch,	O'Neill,	Tumelty,
Cochran,	Holland,	Panton,	Van Sickle,
Cohen,	Holstrom,	Patterson, C.,	Walker,
Coleman,	Hoopes,	Patterson, J. W.,	Weiss,
Coolahan,	Kelso,	Pearson,	Welliver,
Decker,	Kilroy,	Pfaff,	Welsh,
Dent,	Kinney,	Piole,	Westrick,
Diehl,	Klingler,	Powers,	Yourishin,
Dilley,	Kobelak,	Reising,	Zappala,
Downey, G. E.,	LaRue,	Rinn,	

NAYS—66

Altenburg,	Ferko,	Merrell,	Spangler,
Atkins,	Forrest,	Moore,	Stewart,
Baldi,	Gates,	Muir,	Stockham,
Barnhardt,	Gillette,	Nothnagle,	Stott,
Blumberg,	Green,	Parks,	Surface,
Boose,	Habbyshaw,	Phillips,	Tahl,
Boyd, R.,	Hamilton, R. S.,	Rhys,	Trout,
Boyer,	Hart,	Roan,	Van Allsburg,
Brennan,	Hermansen,	Root,	Wall,
Carr,	Hoffner,	Schrock,	Wasserman,
Castor,	Jones,	Schwartz,	Weidemann,
Condon,	Kane,	Shreiner,	White,
Conner,	Kelder,	Simpson,	Wickersham,
Cordier,	Linderman,	Sloan,	Winner,
Davies,	Longaker,	Snyder, F. E.,	Witkin,
Denning,	McDevitt,	Snyder, J. L.,	Wood,
Duffort,	McKinney,	Sowers,	Woodside,

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the ruling of the Chair stand as the decision of the House?

Mr. MOUL. Mr. Speaker, since we have voted on the question as to whether the previous question shall now be put, there can be no debate at this time.

The SPEAKER. The House will be at ease for a few minutes.

Mr. WITKIN. Mr. Speaker and members of the House, having been advised and with the understanding that the gentleman from York, Mr. Moul, will, upon the withdrawing of my appeal from the decision of the Chair withdraw his motion for the previous question, I now withdraw the appeal from the decision of the Chair with the

understanding that the gentleman from York, Mr. Moul, will withdraw his motion for the previous question and permit a reasonable limited debate upon the bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Tahl, withdraw his second?

Mr. TAHL. Mr. Speaker, I will. I will do it under the same conditions.

The SPEAKER. The Chair thanks the gentlemen from Philadelphia, Mr. Witkin and Mr. Tahl. The appeal having been withdrawn the Speaker will resume the chair.

The SPEAKER (Wilson G. Sarig) in the Chair.

The SPEAKER. The Chair wishes to thank the members for the much needed rest and recreation which they have given to the Speaker.

Mr. MOUL. Mr. Speaker, in view of the fact that the gentleman from Philadelphia has recognized that the Chair was not in error I withdraw my motion for the previous question.

On the question recurring,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, before I say a word about the bill, I withdraw, if you will permit me so to state, the appeal from the decision of the Chair, not because I recognized I was in error or because the Chair was right but under an agreement whereby the question could be debated and I want that noted in the record. I now yield to the gentleman from Philadelphia, Mr. Sowers, who will discuss the merits of the bill.

Mr. SOWERS. Mr. Speaker and members of the House, the bill now before you is the same bill that was before you this morning and after debate, defeated.

The bill appears to me to be one very hastily drawn and contains many mistakes. Among which the most important seems to be a delegation of legislative authority to a so-called board of magistrates or Board of Judges of the county of Philadelphia.

If you will refer to the bill, you will notice that the bill, on page thirty-one, repeals as to the county of Philadelphia the fee bill relating to magistrates and justices of the peace.

Now, the fixing of fees is a matter for the Legislature and not for a Board of Magistrates, and the delegation of legislative power to the Board of Magistrates would come within the recent decision on the NRA, that no legislative power can be delegated to someone else, and especially the right to fix fees and costs.

I call your attention to page twelve of the bill. Page twelve of the bill makes an effort to set up a central station day court and a central station night court, and provides for three magistrates to sit in that court.

Then on page thirteen, twenty courts are set up and the bill provides the magistrates assigned to those twenty courts shall be the only ones in whom criminal jurisdiction shall be vested and only during those hours, and the bill is minus on what the hours are. There is no provision in the bill fixing the hours of the twenty courts that are to be established, so that the citizens of Philadelphia, even if this bill was enacted into law, as respecting those twenty courts might from seven A. M., till four P. M. be without the power to enter bail. There is no provision in the bill that these twenty courts shall be open from seven A. M. till for P. M.

Exclusive jurisdiction is given to twenty magistrates and those twenty courts. There is no requirement in the bill that a magistrate must be in attendance at those courts during those hours. There is a provision in the bill that no person can enter bail except by going before the magistrates in those twenty courts. I submit to you that that is an important error in this bill, and the rights of the citizens of Philadelphia ought to be maintained, and unless the bill is corrected to cover this error, it is certainly jeopardizing the liberty of the citizens even in the most trivial kind of offense. Even if the police department should arrest a person for walking along the highway and spitting on the sidewalk, that person could be taken to the station house and there detained and until four P. M. he would not have an opportunity to enter bail.

The magistrate in each one of those twenty courts ought to be required to be on duty during certain specific hours. The bill instead of saying, on page 13, and 14, "those hours" should specify the hours particularly.

On page 14 of the bill we have a provision known as the twenty-seventh section of the bill, that warrants may issue and the warrants shall be returnable to the station house, one of the twenty courts, but we have no provision in the bill that the magistrate shall be at the station house to give the hearings. We do not repeal the magistrates code acts of 1927. That act requires that the magistrate shall stay at his office. It seems to me that it would be a gross error to arrest people, have them taken to the station house where there is no magistrate, and we have legally put the magistrate at his office. Why take them to the station house where they couldn't have a hearing? Why shouldn't they be taken to the magistrate's office for an immediate hearing?

On page 15, section 29, I note a very novel provision with respect to copies of the charge. This Legislature some sessions ago sought to correct the evil of police captains transferring business from station house to station house. It was a habit of the police authorities to arrest a person, take them to station house No. 1, and then when their friends went to meet up with them, the police would take them out the back door and then take them to No. 2 station house, and they kept on moving them around and you would have no opportunity of getting a copy of the charge or entering bail. That section No. 29 would in all probability re-establish the old system which this Legislature by an act of Assembly which is repealed by this bill, sought to cure, and did by that act cured.

Then you have the provision on page 13, section 31, that in certain cases a defendant cannot be discharged until the district attorney is sent for and arrives and reviews the evidence. You have made provisions in this bill for twenty station houses and you have made provision for a central station. If this bill is to operate, the district attorney must have twenty assistants in order to cover all the station houses. If the district attorney does not have twenty-one assistants to send out, then any innocent man charged with crime would have to remain in a cell until a district attorney arrived and it might take twenty-four forty-eight or seventy-two hours for the district attorney to come to that particular station house. You could not cover twenty-one magistrates' courts with the present staff of assistants that he has. Now, is it fair that a person innocently charged with crime, the magistrate is satisfied that the man is innocent, the police have made it a case of mistaken identity, the prisoner is cleared, but the magistrate cannot discharge him—is it fair that the prisoner must wait until a district attorney arrives and the district

attorney may not arrive for as long as three or four days, because one or two assistants cannot cover all of the twenty-one courts. For example, you as a stranger, come to Philadelphia. You are charged with some offense. Somebody goes to the rogues gallery, takes out a picture, and says it is you. You are taken in and charged with a felony. You are brought before the magistrate the next morning. You establish to the magistrate that you were in Centre county on the day of the crime and not in Philadelphia, all the evidence points to it, yet he cannot discharge you. He must wait until the district attorney comes and God knows when he might come. You must remain in a little dingy cell in a little dingy station house, perhaps in company with a lot of drunks. Do you think a law like that is fair?

If you will look at page 16, section 32, you will find that there is practically no system established in this bill for releasing a prisoner charged with a crime between the time he is arrested and the time that suits the convenience of the magistrate to hear the case. Americans have always enjoyed the right to enter bail immediately after their arrest. If you send a warrant from one of the upstate counties down to Philadelphia, the constable is in duty bound under our present law to take the prisoner and permit him to enter bail immediately, but if this section 32 becomes law, it is doubtful whether that practice will continue.

You have a funny and peculiar system established on page 17, Section 34. In that section you really neglect to provide the right to a magistrate to fix bail. Assume that under that section the magistrate fixes bail. Assume the magistrate fixes the bail, the prisoner cannot be released. Assume that a court sits in Manayunk. City hall is twelve miles away. The bail is entered in Manayunk. The magistrate is satisfied with the suffiency of the bail, but the prisoner cannot be released until some one leaves Manayunk, goes to the City Hall, has the discharge O. K.'d and then carries it back to Manayunk.

We have on page 18, Section 37, a provision that the Board of Magistrates of Philadelphia—the Board of Magistrates that have been condemned in the public press—will have the power to appoint investigators. God knows how many and God knows at what salary. The power to appoint clerks— how many and at what salary? The power to appoint stenographers— how many and at what salary? In addition to that you have the sweeping expression "and such other assistants as they may think proper." I submit to you that that section is very loosely drawn. It might mean one hundred thousand dollars expense to Philadelphia, or it might mean five hundred thousand dollars expense to Philadelphia.

I ask you, members of the House, to vote down this bill; to vote as you voted before.

Mr. OMINSKY. Mr. Speaker and members of the House, it had not been my intention to again debate this question, because I felt that the question was properly and sufficiently debated during the afternoon.

Therefore, it is not my intention to answer the various criticisms raised by the gentleman from Philadelphia, Mr. Sowers, categorically, but I do wish to say this, that this bill was approved by some of the best legal minds in Pennsylvania. They have taken all of these criticisms into consideration and they have drafted a bill which they think is the best workable plan that can be had at this time.

The question of the bail commissioner and the entrance of bail which was raised by the gentleman from Philadelphia is well stated and the sections from 33 to 41, which sections provide that the board of magistrates is required to designate one or more of the magistrates to act as bail commissioner, one of whom shall be on duty at all hours.

The question was raised as to when a citizen may be held, because he will not be able to present bail. The act specifically provides that one member of the board of judges who has been designated as bail commissioner shall sit at all hours to take bail.

Another question has been raised as to whether or not the central station is an adjunct or an addition to the twenty stations. It is my interpretation of the act that the central station will be one of the twenty which will be set out by the board of magistrates. There has also been stated the fact that the delegation of power to set fees had been given to the board of judges. I submit that that is a proper delegation of power. I also state that the appointments which Mr. Sowers, the gentleman from Philadelphia, has stated would be abused by the board of magistrates, will be properly supervised under this act by the board of judges, and if we, as members of the House, cannot have faith in our board of judges of Common Pleas of Philadelphia, we may as well stop passing laws right here and now.

On the whole, members of the House, this bill as drawn is as complete as it can possibly be. It is a measure which the citizenry of Philadelphia must have. Therefore, I ask the members of this House to vote for this bill.

Mr. SCHWARTZ. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Ominsky?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. SCHWARTZ. Will the gentleman from Philadelphia explain to this House what duties will be left for the magistrate in Philadelphia to perform if this bill becomes a law.

Mr. OMINSKY. Mr. Speaker, I feel that this question was raised at the prior debate, and I thought I had properly answered it at that time. As I stated then, the things for the magistrates to do will be to act in a judicial capacity, to sit in an impartial manner and to decide the cases which come before each and every magistrate in accordance with the law.

Mr. SCHWARTZ. Mr. Speaker, will the gentleman explain what he means by "judicial capacity?" Will the gentleman explain it in plain language not as a lawyer.

Mr. OMINSKY. A judicial capacity, Mr. Speaker, as I understand it is the way a judge should act on the bench while he is acting as a judge.

Mr. SCHWARTZ. Mr. Speaker, he can't act at all under this bill. All that is left for him under this bill is to draw his salary. Why does the gentleman from Philadelphia think it is necessary for the Governor of Pennsylvania to appoint the chief magistrate of the city of Philadelphia, when it would be the only county in Pennsylvania that would have such a law, and which will make the people from the rest of the counties come in at the next session and say, "It has been tried in the city of Philadelphia. Now why can't we have it in Pittsburgh and the other counties."

Mr. OMINSKY. Mr. Speaker and members of the

House, I thought that I had explained this bill thoroughly in my last argument. However, for the information of the gentleman from Philadelphia, I wish to say that since our government is based on the check and balance system, we feel that the appointment by the Governor of the chief magistrate will be a check and balance on the board of magistrates and the board of judges. I feel that this is a proper innovation and I hope that other cities in the Commonwealth of Pennsylvania may inaugurate the same thing.

Mr. SCHWARTZ. Mr. Speaker and members of the House, I am sorry that I again have to raise my voice in opposition to this bill. As many members of this House well know, during the summer months quite a number of people from your counties pass through the city of Philadelphia. As has been stated, there were in the neighborhood of 11,000 automobile violations in the city of Philadelphia, in some cases possibly by many of your friends, and all they had to do was to call one of our members and ask to be taken before a magistrate. Possibly in some cases the party could have been released by a phone call. He may have gotten into an argument with some policeman—blah, blah, blah, and then he was taken into the magistrate's office, and then he would be allowed to go to Atlantic City or wherever he was going. Under this bill, I give you notice, that if a friend of yours is driving through the city of Philadelphia and is not familiar with the traffic laws of the city and should violate the laws, they will take him to the central police station, and have his picture taken for the Rogues Gallery, and then he will have to find the chief magistrate whom His Excellency, the Governor is going to appoint. I would ask in all fairness for those men that they be able to travel through the city of Philadelphia without being arrested, because they are good law abiding citizens, and that we continue the system that has worked so wonderfully for the past 25 years. Help us to help your people that travel through the city of Philadelphia.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. TAHL. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—115

Achterman,	Eberharter,	Lovett,	Ruffennach,
Alexander,	Eroe,	Lynch,	Ruth,
Allen,	Falkenstein,	Male,	Sarraf,
Andrews,	Finnerty,	McCreary,	Scanlon,
Arnold,	Fitch,	McDermott,	Schrope,
Baine,	Flanagan,	McElroy,	Schwab,
Baker, J. J.,	Flinchbaugh,	McHenry,	Shaw,
Barber,	Furman,	Melchiorre,	Shepard,
Bradley,	Gerard,	Mentzer,	Siegel,
Brancato,	Haberlen,	Moomaw,	Simon,
Brown, H. S.,	Hagerty,	Mooney,	Sinwell,
Brown, J. E.,	Haluska,	Moran,	Smith, J. A.,
Brownfield,	Hamilton, F. P.,	Moul,	Smith, W. G.,
Brumbaugh,	Harkins,	Munley,	Stank,
Burke,	Harmuth,	Murrin,	Stevens,
Caputo,	Hartman,	Nagel,	Stone,
Carson,	Hetrick,	O'Keefe,	Sumney,
Chervenak,	Hindman,	Ominsky,	Tronzo,
Coakley,	Hirsch,	O'Neill,	Tumelty,
Cochran,	Holland,	Panton,	VanSickle,
Cohen,	Holstrom,	Patterson, C.,	Walker,
Coleman,	Hoopes,	Patterson, J. W.	Weiss,
Coolahan,	Kelso,	Pearson,	Welliver,
Decker,	Kilroy,	Pfaff,	Welsh,
Dent,	Kinney,	Piole,	Westrick,
Diehl,	Klinger,	Powers,	Yourishin,
Dilley,	Kobelak,	Reising,	Zappala,
Downey, G. E.,	LaRue,	Rinn,	Sarig,
Downey, J. J.,	Long,	Robinson,	

NAYS—74

Altenburg,	Duffort,	McDevitt,	Sowers,
Atkins,	Ferko,	McKinney,	Spangler,
Baker, F. T.,	Forrest,	Merrell,	Stewart,
Baldi,	Gates,	Moore,	Stockham,
Barnhardt,	Gillette,	Muir,	Stott,
Bernhard,	Green,	Nothnagle,	Surface,
Blumberg,	Greenstein,	Parks,	Tahl,
Boose,	Habbyshaw,	Phillips,	Trout,
Boyd, R.,	Hamilton, R. S.,	Rhys,	VanAllsburg,
Boyer,	Hart,	Roan,	Wall,
Brennan,	Hermansen,	Root,	Wasserman,
Cannon,	Hoffner,	Schrock,	Weidemann,
Carr,	Horst,	Schwartz,	White,
Castor,	Jackson,	Shreiner,	Wickersham,
Condon,	Jones,	Simpson,	Winner,
Conner,	Kane,	Sloan,	Witkin,
Cordier,	Kelder,	Snyder, F. E.,	Wood,
Davies,	Linderman,	Snyder, J. L.,	Woodside,
Denning,	Longaker,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2106, as follows:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth the Department of Public Instruction and the Department of Internal Affairs and requiring a copy of the budget to be filed with the Department of Internal Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 511 All payments made by the board of school directors of any school district from the school funds shall be made by proper school orders drawn on the treasurer No work shall be hired to be done no materials purchased and no contracts made by any board of school directors which will cause the sums appropriated to specific purpurposes in the budget to be exceeded No school order shall be authorized by the board or signed by the president or secretary of any board of school directors unless there are sufficient funds in the treasury of the district

to pay the same and no school order shall be made payable at any time in the future or draw interest A separate school order shall be drawn for each account or payment Provided That the monthly payroll of teachers janitors or other employes may be included on one or more orders which may be made payable to the order of such person or persons and distributed in such manner as the board of school directors in any school district may determine

Section 2 That section five hundred and sixty-three of said act as amended by section one of the act approved the fifth day of April one thousand nine hundred and twenty-one Pamphlet Laws ninety-one) is hereby further amended to read as follows

Section 563 The board of school directors of each school district of the second third or fourth class shall annually at [or before the time of levying the annual school taxes] least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as hereinafter provided and [shall be] shall be apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2000) until after ten days' public notice Provided however That nothing in this act shall be construed to prevent any school district whose total estimated expenditures do not exceed two thousand dollars ($2000) from holding a public hearing The proposed budget shall be printed or otherwise made available for public inspection to all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget The board of school directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the board of school directors shall file a copy of the same in the office of the Department of Internal Affairs

The board of school directors shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year and [thereafter] except as hereinbefore otherwise provided no moneys apportioned from any class of expenditures shall be used for purposes other than designated for said class in said budget [until after affirmative action by the board of directors at a legal meeting] The total amount of such budget shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in that district

The uniform budget forms required by this act shall be prepared by a committee consisting of five representatives of the Pennsylvania State School Directors' Association one representative of the Department of Public Instruction and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Pennsylvania State School Directors' Association shall be appointed by the president of said organization within sixty days after the passage of this act As far as possible such representatives shall be chosen to represent school districts in the various population groups The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Public Instruction shall be appointed by the Superintendent of Public Instruction

Said representatives of the school districts shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform budget forms the committee shall give careful consideration to the fiscal needs and procedures of school districts of the various population groups producing separate forms if necessary to meet the needs of districts of varying sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the school directors

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, particularly the Republican members of the House, with respect to this particular bill, to which many of the Republican members of the House were opposed, may I say to you that the gentleman from Delaware, Mr. Weidemann, has offered certain amendments which have been adopted, and I, therefore, ask you to support this bill, as I believe it now meets all the objections raised by the Republican membership of this House.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Lynch,	Shaw,
Alexander,	Eroe,	Male,	Shepard,
Allen,	Falkenstein,	Mallen,	Shortz,
Altenburg,	Ferko,	McCreary,	Shreiner,
Andrews,	Finnerty,	McDermott,	Siegel,
Arnold,	Fitch,	McDevitt,	Simon,
Atkins,	Flanagan,	McElroy,	Simpson,
Aukerman,	Flinchbaugh,	McHenry,	Sinwell,
Baine,	Flynn,	McKinney,	Sloan,
Baker, F. T.,	Forrest,	Melchiorre,	Smith, J. A.,
Baker, J. J.,	Furman,	Mentzer,	Smith, W. G.,
Baldi,	Gates,	Merrell,	Snyder, F. E.,
Barber,	Gerard,	Moomaw,	Snyder, J. L.,
Barnhardt,	Gillette,	Mooney,	Sowers,
Bernhard,	Green,	Moore,	Spangler,
Blumberg,	Greenstein,	Moran,	Sproul,
Boose,	Habbyshaw,	Moul,	Stank,
Boyd, R.,	Haberlen,	Muir,	Stevens,
Boyer,	Hagerty,	Munley,	Stewart,
Bradley,	Haluska,	Murrin,	Stockham,
Brancato,	Hamilton, F. P.,	Nagel,	Stone,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stott,
Brown, J. E.,	Harkins,	O'Keefe,	Sumney,
Brown, H. S.,	Harmuth,	Ominsky,	Surface,
Brownfield,	Hart,	O'Neill,	Tahl,
Brumbaugh,	Hartman,	Panton,	Terry,
Burke,	Hefferon,	Parks,	Tronzo,
Cannon,	Hermansen,	Patterson, C.,	Trout,
Caputo,	Hetrick,	Patterson, J. W.,	Tumelty,
Carr,	Hindman,	Pearson,	Turner,
Carson,	Hirsch,	Perry,	Van Allsburg,
Castor,	Hoffner,	Peters,	Van Sickle,
Chervenak,	Holland,	Pfaff,	Walker,
Coakley,	Holstrom,	Phillips,	Wall,
Cochran,	Hoopes,	Piole,	Wasserman,
Cohen,	Horst,	Powers,	Weidemann,
Coleman,	Jackson,	Reising,	Weiss,
Condon,	Jones,	Reynolds,	Welliver,
Conner,	Kane,	Rhys,	Welsh,
Coolahan,	Kelder,	Rinn,	Westrick,
Cordier,	Kelso,	Roan,	White,
Davies,	Kilroy,	Robinson,	Wickersham,
Decker,	Kinney,	Root,	Winner,
Denning,	Klingler,	Ruffennach,	Witkin,
Dent,	Kobelak,	Ruth,	Wood,
Diehl,	LaRue,	Sarraf,	Woodside,
Dilley,	Linderman,	Scanlon,	Yourishin,
Downey, G. E.,	Long,	Schrope,	Zappala,
Downey, J. J.,	Longaker,	Schwab,	Zimmerman,
Duffort,	Lovett,	Schwartz,	Sarig,

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. MELCHIORRE asked and obtained permission of the House for the Committee on Law and Order to meet for five minutes during the session of the House.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2109, as follows:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June one housand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1003 Surcharges Publication and Filing of Statements Financial Report to be Made to Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditor with the amount of such loss They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary of the township and another copy of such statement with the clerk of the court of quarter sessions when any two offices are exercised by the same person only one statement shall be required.

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year The report shall be made on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Such report shall be signed by all of the auditors and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 1107 Controller's Report Report of Financial Condition to be Made to Department of Internal Affairs The township controller shall as often as he may deem expedient or the board of commissioners shall direct suggest plans to the board of commissioners for the management and improvement of the township finances and he shall make a report verified by oath or affirmation to the board of commissioners at the first stated meeting in January in each year of the public account of the township and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by the board of commissioners the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the township once a week for two weeks in a newspaper circulating generally in the township

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the township in manner and form required to be made by the township auditors under the provisions of section one thousand and three of this act and subject to the penalies provided in said section for refusing or neglecting to file said report

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year within sixty days after the first Monday of January and at least thirty days prior to the adoption of the annual budget prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The tax levied by the township authorities shall be fixed at such figure within the limit [fixed] allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until after at least ten days public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget

The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

Section 1802 General Regulations Concerning Contracts All contracts or purchases made by any township involving the expenditure of over five hundred dollars shall be in writing and shall be made only after notice by the secretary published once a week for two weeks in one or more newspapers of general circulation in the township All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs

In every instance in which any contract for any pub-

lic work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof shall be void But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years Provided That if prior to the letting of any [such] contract taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township shall sign and file with the township secretary of the board of township commissioners of the township a written protest against such contemplated contract then such contract shall not be let

Section 2 That said act is hereby amended by adding thereto the following section

Section 1701a Committee to Prepare Uniform Forms Uniform forms for the annual reports of township auditors and controllers to the Department of Internal Affairs as required in section one thousand and three and section one thousand one hundred and seven of this act and the uniform form for the annual budget as required in section one thousand seven hundred and one shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this Act As far as possible such representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class The president of said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the proper officers of each township

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred and thirty-five

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker and members of the House, the same remarks that I made concerning House Bill No. 2106 are applicable to House Bill No. 2109. Certain amendments offered by the gentleman from Delaware, Mr. Weidemann, take care of most of the objections that have been raised. I will therefore, ask you to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Canuto,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1159 (Senate Bill No. 86), as follows:

An Act to amend section one as reenacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribu-

tion and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (Pamphlet Laws one hundred nineteen) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" as reenacted by section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred forty-nine) is hereby amended to read as follows

Section 1 The professors associate professors and assistant professors in the departments of anatomy the professors of surgery and of pathology [the demonstrators of anatomy and the demonstrators of surgery] of the medical and dental schools and the medical and dental colleges of this Commonwealth which are now or may hereafter become incorporated [together with one representative from each of the unincorporated schools of anatomy or practical surgery within this Commonwealth in which there are or from time to time at the time of the appointment of such representatives shall be not less than five scholars] and the Secretary of Health shall be and hereby are constituted a board for the distribution and delivery of dead human bodies hereinafter described to and among such institutions and persons as under the provisions of this act are entitled thereto [The professor of anatomy in the University of Pennsylvania at Philadelphia shall call a meeting of said board for organization at a time and place to be fixed by him within thirty days after the passage of this act]

The said board shall have full power to establish rules and regulations for its government and to appoint and remove proper officers and shall keep full and complete minutes of its transactions and records shall also be kept under its direction of all bodies received and distributed by said board and of the persons to whom the same may be distributed which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county within this Commonwealth The said board shall have full power to enter into contracts make purchases and perform such other acts as are necessary for the proper performance of its duties

The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania

Section 2 That section two of said act as amended by the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred sixty-seven) is hereby further amended to read as follows

Section 2 All public officers agents and servants and all officers agents and servants of any and every county city township borough district and other municipality and of any and every almshouse prison morgue hospital or other municipality or other public institution and all other persons having charge or control over dead human bodies required to be buried at the public expense are hereby required to [immediately notify] notify immediately the said board of distribution or such person or persons as may from time to time be designated by said board or its duly authorized officer or agent whenever any such body or bodies come to his or their possession charge or control and shall without fee or reward deliver within thirty-six hours such body or bodies and permit and suffer the said board and its agents [and the physicians and surgeons from time to time designated by them who may comply with the provisions of this act] to take and remove all such bodies to be used within the State for the advancement of medical science

Such notice shall be given to the board of distribution in all cases but no such body shall be delivered if any relative by blood or marriage shall claim the body for burial at the expense of such relative within thirty-six hours after death but the body shall be surrendered to said claimant for interment nor shall any such body be delivered if any friend or any representative of a fraternal society of which deceased was a member or a representative of any charitable organization shall claim the said body for burial within [twenty-four] thirty-six hours after death said burial to be at the expense of such friend fraternal society or charitable organization nor shall the body be delivered if said person was an honorably discharged soldier sailor or marine of the United States or of the militia of the State of Pennsylvania in which case said body shall be buried in accordance with the provisions of existing laws

In case of the death of any person whose body is required to be buried at the public expense and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes he shall notify in writing the poor directors overseers or in counties in which there are no poor directors or overseers then the county commissioners of the county where such person died who shall direct some person to take charge of the body of such deceased indigent person and cause it to be buried and draw warrants upon the treasurer of their county for the payment of such expenses which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act Such warrants shall be made payable to the persons so authorized and directed who shall have buried the bodies for which [no] said warrants are to be drawn No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board to the effect that such body is unfit for anatomical purposes or that the body is that of a soldier sailor or marine of the United States or militia of the State of Pennsylvania required to be buried at the public expense and that the provisions of this act have been complied with

Wherever through the failure of any person to deliver the body of a deceased indigent as required by this act such body shall become unfit for anatomical purposes and is so certified by the duly authoried officer or agent of said board of distribution such body shall be buried in accordance with the provisions of this act and the person so failing to deliver such body shall pay to the county treasurer the expense so incurred and upon the refusal or failure of such person on demand to pay such expenses the poor directors or overseers or in counties in which there are no poor directors or overseers then the county commissioners shall bring suit to recover the same to be recovered as debts of like amount are by law collectible

Section 3 That section three of said act as amended by the act approved the twentieth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred sixty-seven) is hereby further amended to read as follows

Section 3 The said board or their duly authorized agent may take and receive such bodies so delivered as aforesaid and shall upon receiving them distribute and deliver them proportionally and equitably to and among the medical optometrical and dental schools and medical optometrical and dental colleges of the Commonwealth [physicians and surgeons aforesaid in manner following Those bodies needed for lectures and demonstrations by the said schools and colleges incorporated and unincorporated shall be first supplied the remaining bodies shall then be distributed proportionately and equitably preference being given to said schools and colleges the number assigned to each to be based upon the number of students in each dissecting or operative surgery class which number shall be reported to the board at such times as it may direct Instead of receiving and delivering said bodies themselves or through their agents or servants the board of distribution may from time to time either directly or by their authorized officer or agent designate physicians

and surgeons who shall receive them and the number which each shall receive] If additional bodies are available beyond the needs of the medical optometrical and dental schools and colleges of the Commonwealth such bodies may be distributed upon request to physicians and surgeons and to other schools and colleges giving courses in science in which the use of cadaveric material would be advantageous or may be loaned for demonstration or examination purposes to the State Examining Boards and to recognized associations of licensed undertakers The cost of such bodies including preparation special handling and a proportionate share of the overhead cost of the board shall be collected by said board from such physicians surgeons schools colleges State Examining Boards and associations of licensed undertakers to whom or to which bodies are distributed or loaned

Section 4 That section four of said act is hereby amended to read as follows

Section 4 The said board may employ a carrier or carriers for the conveyance of said bodies which bodies shall be well enclosed within a suitable encasement and carefully deposited free from public observation Said carrier shall [obtain receipts by] give a receipt containing the name of the person or if the person be unknown [by] a description of each body [delivered] received by him and shall deposit [said] a duplicate receipt with the secretary of the said board

Section 5 That section five of said act is hereby amended to read as follows

Section 5 No university school college physician [or] surgeon or association shall be allowed or permitted to receive any such body or bodies until a bond approved as to form by the Attorney General shall have been given to the [Commonwealth] board by such physician or surgeon or by or in behalf of such university school [or] college [to be approved by the prothonotary of the court of common pleas in and for the county in which such physician or surgeon shall reside or in which such school or college may be situated and to be filed in the office of said prothonotary] or association which bond shall be in the penal sum of one thousand dollars conditioned that all such bodies which the said physician or surgeon or the said university school [or] college or association shall receive thereafter shall be used only for the promotion of medical science within this State and whosoever shall sell or buy such body or bodies or part or parts of such body or bodies or in any way traffic in the same or shall transmit or convey or cause to procure to be transmitted or conveyed said body or bodies or part or parts of such body or bodies to any place outside of this State shall be deemed guilty of a misdemeanor and shall on conviction be liable to a fine not exceeding two hundred dollars or be imprisoned for a term not exceeding one year but this section shall not be construed as prohibiting the members of the board from transporting human speciments outside of the State for their temporary use at scientific meetings or exhibits

Section 6 That section six of said act as amended by said act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred forty-nine) is hereby further amended to read as follows

Section 6 Neither the Commonwealth nor any county or municipality nor any almshouse prison morgue hospital or other public institution nor any officer agent or servant thereof nor any person or persons having possession of an unclaimed dead human body shall be at any expense by reason of the delivery or distribution of any such body but all the expenses thereof and of said board of distribution except as provided in section three of this act shall be paid equitably by [those] universities schools and colleges regularly receiving the bodies under such rules and regulations as the board may from time to time provide [On the first day of September one thousand nine hundred and thirty-one and quarterly thereafter it shall be the duty of the board to ascertain its full operating cost during the preceding three months and to bill each school college physician or surgeon for such sum per cadaver furnished as will equal such cost except that the sum per cadaver shall never exceed twenty dollars] All moneys received or collected by the board under this act shall be used by the board for the payment of all expenses incurred in the performance of its duties under this act

Section 7 That sections five hundred seven and five hundred nine and clause (d) of section two thousand four hundred two and clauses (d) and (e) of section two thousand four hundred three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" and the amendments thereto are hereby specifically repealed in so far as said sections and said clauses relate to the Anatomical Board

Section 8 The provisions of this act shall become effective upon the first day of June one thousand nine hundred and thirty-five

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2108, entitled:

An Act to amend section three hundred forty-five as amended, sections three hundred forty-six, three hundred sixty-one, and three hundred sixty-four of, and to add section three hundred seventy, and section three hundred seventy point one to, the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by counties, and the making of an annual budget on form prepared by representatives of the county commissioners, country controllers and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. BARBER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 3, page 6, line 7, by inserting after the word "until" the following: "after"

Amend Sec. 3, page 6, line 8, by striking out the words "one public hearing has been held thereon after"

Amend Sec. 3, page 6, line 12, by striking out the words "It shall be"

Amend Sec. 3, page 6, line 13, by striking out the entire said line

Amend Sec. 3, page 6, line 14, by striking out the words "hold such hearing"

Amend Sec. 3, page 6, line 18, by inserting after the word "for" the following: "the adoption of the budget"

Amend Sec. 3, page 6, line 18, by striking out the words "such hearing"

Amend Sec. 3, page 6, line 19, by striking out the words "After such hearing has been had the"

Amend Sec. 3, page 6, line 19, by inserting before the word "county" the following: "The"

Amend Sec. 3, page 7, line 5, by striking out the word "six" and inserting in lieu thereof: "nine"

Amend Sec. 3, page 7, lines 6, 7, 8, 9 10 and 11, both inclusive, by striking out the entire said lines

Amend Sec. 3, page 7, line 15, by striking out the words "No con-"

Amend Sec. 3, page 7, lines 16, 17, and 18, both inclusive, by striking out the entire said lines

Amend Sec. 3, page 7, line 19, by striking out the word "valid"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2104, entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred and sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. BARBER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 2, page 3, line 23, by striking out the word "adopted" and insert in lieu thereof: "adoption"

Amend Sec. 2, page 3, line 25, by striking out the word "following" and insert in lieu thereof: "ensuing"

Amend Sec. 2, page 4, line 2, by inserting after the word "until" the following: "after"

Amend Sec. 2, page 4, line 4, by striking out the words "one public hearing has been held thereon after"

Amend Sec. 2, page 4, line 7 and 8, by striking out the word "likewise"

Amend Sec. 2, page 4, line 8, by striking out the words "as herein provided"

Amend Sec. 2, page 4, lines 8 and 9, by striking out the words "It shall be the duty of the directors to arrange for and hold such hearing"

Amend Sec. 2, page 4, line 12, by striking out the words "hearing. After such hearing the" and insert in lieu thereof: "adoption of the budget. The"

Amend Sec. 2, page 4, lines 23 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 2, page 5, line 3, by striking out the word "six" and insert in lieu thereof: "nine"

Amend Sec. 2, page 5, lines 9 to 12, by striking out the words "No contracts, hirings or purchases or" in line 9, all of lines 10, 11 and 12.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2110, entitled:

An Act to amend sections one thousand and six, and one thousand and thirty-five, as amended, and section one thousand and sixty-two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by boroughs and its agents, and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs; requiring copy of the annual budget to be filed by council with the Department; requiring the auditors or controller to make and file a financial report with the Department; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. BARBER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 5, line 15, by inserting after the word "until" the following: "after"

Amend Sec. 1, page 5, lines 15 and 16, by striking out the words "one public hearing has been held thereon after"

Amend Sec. 1, page 5, line 25, by striking out the word "likewise"

Amend Sec. 1, page 5, lines 25, 26 and 27, by striking out the words "as herein" in line 25, all of line 26, and the words "for and hold such hearingss" in line 27.

Amend Sec. 1, page 6, line 2, by striking out the words "hearing. After such hearing has been held the" and insert in lieu thereof: "adoption of the budget. The"

Amend Sec. 1, page 6, line 16, by striking out the word "six" and insert in lieu thereof "nine"

Amend Sec. 1, page 6, lines 17 to 23, both inclusive, by striking out all of said lines.

Amend Sec. 1, page 6, lines 28 and 29, by striking out the words "No contracts hirings or purchases made or" in line 28, and all of line 29.

Amend Sec. 1, page 7, lines 1 and 2, by striking out all of line 1, and the words "ceeded shall be valid" in line 2.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF HOUSE BILL NO. 2107

Mr. HARKINS. Mr. Speaker, I move that the vote by which House Bill No. 2107, Printer's No. 1240, entitled:

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

was defeated on final passage on Wednesday, June 5, 1935, be reconsidered.

Mr. O'KEEFE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Harkins vote on the final passage of the bill?

Mr. HARKINS. I voted in the negative.

The SPEAKER. How did the gentleman from Allegheny, Mr. O'Keefe vote on the final passage of the bill?

Mr. O'KEEFE. I voted in the negative.

On the question,

Will the House agree to the motion?

The motion was agreed to.

Mr. BARBER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BARBER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 4, lines 5, 6 and 7, by striking out the words "No contracts or purchases not provided for by" in line 5, and all of lines 6 and 7.

Amend Sec. 1, page 5, line 17, by inserting after the word "until" the following: "after"

Amend Sec. 1, page 5, lines 17 and 18, by striking out the words "one public hearing has been held thereon after"

Amend Sec. 1, page 5, line 23, by striking out the word "likewise"

Amend Sec. 1, page 5, line 24, by striking out the words "as herein provided"

Amend Sec. 1, page 5, line 24, by striking out the words "It shall be the duty of the"

Amend Sec. 1, page 5, line 25, by striking out the words "board of supervisors to arrange for and hold such hearing"

Amend Sec. 1, page 6, lines 1 and 2, by striking out the words "such hearing" and insert in lieu thereof: "the adoption of the budget"

Amend Sec. 1, page 6, line 2, by striking out the words "after such hearing the" and insert in lieu thereof: "The"

Amend Sec. 1, page 6, line 17, by striking out the word "six" and insert in lieu thereof: "nine"

Amend Sec. 1, page 6, lines 17 to 22, by striking out the words "The board of" in line 17, and all of lines 18 to 22, both inclusive.

Amend Sec. 1, page 6, lines 27 to 29, both inclusive, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. HARKINS. Mr. Speaker, I desire to call up at this time House Bill No. 1342, Printer's No. 999, on page 43 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HARKINS.

The House resumed the consideration on third reading of House Bill No. 1342, entitled:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent, providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk classifications underwriting rules, premiums, rates and schedule or merit rating plans of insurance companies issuing such policies; providing penalties, and repealing all inconsistent acts and parts of acts.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to have the sponsor of this bill explain the bill.

Mr. BURKE. Mr. Speaker and members of the House, the purpose of this bill is to require every person making application for a license plate for an automobile to furnish to the Secretary of Revenue a certificate that he carries on the automobile for which he makes application an insurance policy covering the owner in public liability cases, in the amount of from one to two thousand dollars; that is, one thousand dollars for an injury involving one person and two thousand dollars in case there is more than one person injured. As an alternative, a person instead of securing insurance can deposit securities or cash in the amount of twenty-five hundred dollars with the Secretary of Revenue.

Mr. TUMELTY. Mr. Speaker, in the event that the

person who is applying for tags for an automobile should be one of that class who is ordinarily rejected by insurance companies, such as students or persons who are the owners of restaurants that sell liquors and beer and they do not have sufficient money or other security to show that they are financially responsible, how will they obtain license plates?

Mr. BURKE. Mr. Speaker, I cannot answer the gentleman's question because I do not know of any class of person who because of their occupation or business are refused insurance by insurance companies.

Mr. TUMELTY. Mr. Speaker, I stated two classes: students going to school and restaurant keepers who sell what might be intoxicating liquors, and who are rejected by a number of good insurance companies, and it is pretty hard for them to get insurance on an automobile. In case they were rejected by insurance companies for that reason and they do not have sufficient moneys to deposit with the Secretary of Revenue, or whoever it is necessary to deposit it with, how would they be able to obtain license plates, even if they were good law-abiding citizens?

Mr. BURKE. Mr. Speaker, in answer to the gentleman, I inquired of an insurance company representative who was here in the House the other day if insurance companies refused insurance to owners of tap rooms and he told me that he never heard of it. Now, so far as the student class is concerned, I never heard of their being refused. If we assume that insurance companies refuse those two classes of persons, I might say that such persons being unable to obtain insurance and unable to deposit securities or cash they could not secure a license plate for their car.

Mr. TROUT. Mr. Speaker and members of the House. I am sorry that this bill has been called up so late in the evening, but it is an important piece of legislation and I hope that you will bear with me for a few minutes while I try to outline what is involved.

I wish to call to the attention of the House that this Bill No. 1342, Printer's No. 999, on page 13, repeals the act approved the 15th day of May, 1933, and became effective on January 1, 1934, just one year and five months ago, entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties."

The purpose of this act was to drive the irresponsible operator of motor vehicles from the highway by compelling him, in case of default in the payment of judgments secured against him, to file financial responsibility with the Department of Revenue. The act provides "for damage on account of personal injury or for damage of property in excess of $200 resulting from the operation subsequent to the effective date of this act, by him, his agent or any other person with his express or implied consent, of a motor vehicle owned by him or the operation by him or his agent of a motor vehicle not owned by him, his operator's license and all of his registration certificates shall be forthwith suspended by the secretary upon receiving a certified copy of such financial judgment from the court in which the same is rendered and shall remain suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name, while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for further accidents.

That is the provision of the act now providing for the operation of motor vehicles in this Commonwealth and the reimbursement of those to whom damage is done after a judgment has been entered.

It seems to me that it would be unfair to the motorists of the state as well as to the Department of Revenue, which deparment has charge of the enforcement of the act, to repeal the law unless it has been definitely determined that it is unworkable and that it is not in the interests of the promotion of safety on our highways and that does not appear to be the case.

I wish to state however, that there have been one or two objections to the present act, at least a weakness especially in one of its provisions. As stated, in order that this act may be applicable for damage incurred, the amount must be in excess of $200. It is generally conceded that this amount is too high because of the fact that the majority of accidents occurring are for damages less than $200 and all of those guilty in such cases escape the provisions of the present financial responsibility act. To overcome this objection I introduced a bill early in the session, No. 940, which amends Section 11, reducing the amounts of damages occasioned and unpaid judgments for which operators' licenses shall be refused, from $200 to $50. This bill has been in the hands of the Judiciary General Committee since February 19. I wish to request the Judiciary General Committee to report this bill out of committee so that it may be considered on the floor of the House. With this change in the present law I feel that it should be continued for at least another two years so that its merits may be definitely determined.

Now, members of the House, returning to the provisions of Act No. 1342, now under consideration, which provides that every person registering a motor vehicle in the State of Pennsylvania must furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the highway of the Commonwealth, in other words this act is known as the compulsory liability insurance law. This is not a new question brought before the House. At every session for a number of years this same legislation has been considered and every time failed of passage.

There is but one state in which this law has been enforced and that is the State of Massachusetts. Many other states have carefully studied and analyzed the workings of this law and after such investigation no other state has enacted a similar compulsory liability law.

In my opinion it does not follow merely because the evil of uncompensated highway accidents exists, that such drastic legislation as that proposed in this act, is desirable. We believe that no adequate data exists to justify such proposed legislation in this state and that the data available elsewhere argues against the adoption of such legislation here. As stated above the only compulsory insurance law in effect in America, that of Massachusetts, has proven a failure which no other state thus far has

been willing to imitate. The Massachusetts law, effective January 1, 1927, has been investigated by commissions of numerous other states and all of them have reported against the adoption of such legislation in their own states.

Some of the objections to a compulsory automobile insurance law may be considered as follows:

1. Under such a law insurance rates would be greatly increased. This has been experienced in Massachusetts where the rates fixed by state authorities have increased from thirty to one hundred per cent since the adoption of the law, although they are still inadequate to permit the insurance companies to operate at a profit. Between 1927 and 1933 the losses incurred by insurance companies in Massachusetts were nearly $13,000,000 in excess of the provisions for losses contained in the rates established. Six companies (five mutual and one stock), have been forced in receivership by their disastrous experience under this law. At least five others have withdrawn from the state for the same reason. It will be noted that one out of every nine companies engaged in writing automobile insurance in Massachusetts, since the compulsory law became effective, has failed or withdrawn.

Let me quote from a recent report as follows: It has been suggested "that the proposed Pennsylvania compulsory insurance law could correct the inadequacy of rates by permitting the companies to fix their own rates through their own group rating bureaus. Rates, in the long run, must be based on experience. A compulsory insurance law, here, as in Massachusetts, will mean an increased claims consciousness on the part of potential plaintiffs, generosity on the part of juries with minds no longer sobered by the thought that the verdict may reach into an individual rather than a corporate pocket, and a mass of fake litigation, all of which factors will result here, as in Massachusetts, in increased verdicts, increased loss ratios and very promptly in increased rates. The increased rates will cause public resentment here, as in Massachusetts, and the next logical step, politically, will be the fixing of rates by the state, followed possibly by the state going into the automobile insurance business. In the latter contingency the rates would probably be still higher, unless it is believed that government owned enterprises would be operated more efficiently.

Compulsory insurance encourages fraud, collusion and exaggerated claims. Such a law creates a golden opportunity for such practices. After seven years' experience in Massachusetts, notwithstanding heroic efforts by the judiciary and public officials, the disbarment of lawyers and revocation of mediical certificates, the evil continues. In 1933 there were 62,462 personal injury and death claims filed in Massachusetts despite the fact that the number reported killed and injured was 49,018. A significant fact, in that state, is that while the number of pedestrians injured remained almost constant each year since 1927, the number of occupants of automobiles allegedly injured increased from 14,629 in 1927 to 35,187 in 1934, although the number of motor vehicles registered in that state increased only 11.7 per cent during that period. In the words of Governor Fuller: "The situation that prevails is a complicated one, because of the fact that compulsory insurance has lent itself to all kinds of bribery, chicanery and misrepresentation. Large numbers of people have made fraudulent claims under the law and have been aided and abetted in this contemptible practice by doctors and lawyers alike."

Compulsory insurance provides laxity in the enforcement of traffic laws and safety regulations. Public officials in Massachusetts have publicly complained that even in the best regulated communities the injured party is unwilling to aid in criminal prosecutions for reckless driving when assured of financial settlement. This condition is not peculiar to Massachusetts but is more active there because everyone knows that everyone else is supposed to carry insurance.

Compulsory insurance would not tend to decrease accidents. Again the Massachusetts experience is significant. In 1926, the year before the Massachusetts law took effect, there were 838,111 automobile registrations in that state, 681 traffic deaths, 25,351 injuries, and 27,436 collisions, according to official records. In 1934 there were 946,240 registrations, 921 deaths, 53,055 injuries and 43,575 collisions. Registrations have increased since 1926 11.7 per cent; fatalities have increased 32.47 per cent; injuries reported to the registrar's office have increased 109.24 per cent and collisions have increased 58.83 per cent.

Members of the House, I believe that this present act which has been on the statute books for a year and five months, should be continued for another two years.

The report from the Department of Revenue states that fifteen thousand motorists have either had their licenses revoked or have given proofs of financial responsibility to the Department.

After all, all we would have to do would be two things: first, to take the reckless operators of automobiles off the highways, and the second, is to insure to the injured person or automobile proper reimbursement. If you will reduce the minimum amount of the present act from two hundred dollars to fifty dollars, you will take care of over ninety percent of the accidents on the highway.

Members of the House, I ask you to vote against this bill and to continue the present financial responsibility act.

BILL POSTPONED

Mr. BURKE. Mr. Speaker, I have been requested by many members who are interested in this bill to have it placed on the postponed calendar. Therefore, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it, whereupon, a division was called for, sixty-two members having voted in the affirmative and forty-nine in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD READING

Mr. RUTH. Mr. Speaker, I desire to call up at this time House Bill No. 2023, Printer's No. 1219, on page 43 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. RUTH.

The House resumed the consideration on third reading of House Bill No. 2023, entitled:

An Act to amend an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining and limiting their powers and regulating their incorporaton and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges the railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the proviso of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended by designating as public service companies persons partnerships associations and corporations engaged in selling liquid fuels and lubricating oils and also those engaged in leasing franchises rights powers immunities privileges or facilities to other public servce companes and empowering the Public Service Commission to regulate the same by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies and of contracts for the acquisition and construction of certain facilities and permanent improvements by requiring certain public service companies to publish tariffs and schedules of rates and charges and by abolishing advance minimum payments of deposits to secure future payments and penalties and prohibiting certain companies from requiring advance payments or imposing certain penalties or service charges

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means.

The motion was agreed to.

BILL ON THIRD READING

Mr. RUTH. Mr. Speaker, I desire to call up at this time House Bill No. 2206, Printer's No. 1041, on page 41 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. RUTH

The House resumed the consideration on third reading of House Bill No. 2206, entitled:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended establishing a compulsory tax levy for fire protection

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. SPEAKER, in view of the fact that one of the most pressing problems that we have at this time in Pennsylvania is relief from real estate taxes and in view of the further fact that this bill would impose further taxes, while not in large amounts, yet it does impose additional taxes on real estate, I would ask, since it so important that we prevent additional taxes on real estate at this time, and in order that we may continue to operate smoothly the other functions of government, that you vote down this bill. There are many other methods of raising the money and carrying on than those proposed by this bill.

Mr. STOCKHAM. Mr. Speaker and members of the House, I would like to remind the House that there is a bill on the statute books that permits through a referendum the levying of taxes from one to three mills for fire protection purposes within boroughs. I believe that that law is adequate. In addition to what Mr. Reising has said, I believe also that it is an inopportune to pass such an act at this time.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—21

Allen,	Eberharter,	O'Keefe,	Schrope,
Barber,	Harkins,	Ominsky,	Siegel,
Burke,	Holstrom,	O'Neill,	Tronzo,
Cohen,	Hoopes,	Ruth,	Zappala,
Coleman,	Kinney,	Scanlon,	Sarig,
Decker,	LaRue,		

NAYS—108

Achterman,	Dilley,	Lynch,	Simon,
Alexander,	Downey, G. E.,	Male,	Simpson,
Altenburg,	Downey, J. J.,	McCreary,	Sinwell,
Andrews,	Duffort,	McDevitt,	Sloan,
Arnold,	Falkenstein,	McElroy,	Smith, J. A.,
Atkins,	Ferko,	McKinney,	Smith, W. G.,
Baine,	Finnerty,	Melchiorre,	Snyder, F. E.,
Baker, J J.,	Fitch,	Mentzer,	Snyder, J. L.,
Boose,	Furman,	Mooney,	Spangler,
Boyd, R.,	Gerard,	Moul,	Stewart,
Boyer,	Green,	Muir,	Stockham,
Bradley,	Haberlen,	Murrin,	Sumney,
Brancato,	Hagerty,	Nagel,	Surface,
Brennan,	Haluska,	Panton,	Tahl,
Brown, H. S.,	Hamilton, F. P.,	Parks,	Trout,
Brown, J. E.,	Hamilton, R. S.,	Patterson, C.,	Van Allsburg,
Brownfield,	Hartman,	Patterson, J. W.,	Van Sickle,
Brumbaugh,	Hermansen,	Pearson,	Wall,
Caputo,	Hindman,	Pfaff,	Weidemann,
Carr,	Jackson,	Piole,	Welliver,
Carson,	Jones,	Powers,	Westrick,
Castor,	Kelder,	Reising,	White,
Chervenak,	Kelso,	Rhys,	Wickersham,
Coakley,	Klinger,	Rinn,	Winner,
Conner,	Long,	Schrock,	Witkin,
Coolahan,	Longaker,	Schwab,	Wood,
Dent,	Lovett,	Shreiner,	Woodside,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Mr. RUTH. Mr. Speaker, I desire to call up at this time House Bill No. 2207, Printer's No. 1086, on page 42 of today's calendar, bills on third reading postponed

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. RUTH

The House resumed the consideration on third reading of House Bill No. 2207, entitled:

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protection

On the question recurring,

Will the House agree to the bill on third reading?

Mr. RUTH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 1 and 2 of title, by striking out the words "and clause five of section nine hundred [illegible]"

Amend title, page 1, lines 9 and 10 of title, by striking out the words "and requiring the levy of a tax for fire protection"

Amend bill, page 2, lines 16 to 29, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend bill, page 3, lines 1 to 29, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend bill, page 4, lines 1 to 7, by striking out with heavy-faced brackets all of said lines, both inclusive

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Miss BRANCATO asked and obtained permission of the House for the Committee on Cities to meet during the Session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1994, entitled:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

On the question,

Will the House agree to the bill on third reading?

Mr. MENTZER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 19, by striking out the word "and" where it appears the second time in said line, and insert in lieu thereof "any"

Amend Sec. 1, page 4, line 4, by inserting after the word "prior" the following: "and subsequent"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agreed to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1496 (Senate Bill No. 344), entitled·

An Act to amend the title and sections one and two of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand nineteen) entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sale of seated lands for collection of taxes authorizing the county commissioners to sell the same at private sale under the circumstances" by extending the provisions thereof to unseated lands

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2764, entitled:

An Act providing for the creation and incorporation as municipal corporations, and for the management and operation, of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth, and its agencies, through the construction of water-works and facilities, and/or the acquisition of the property, water-works, rights, and franchises of public and private corporations, copartnerships, associations, and individuals furnishing and supplying water to the public in said districts; prescribing the powers and duties of such districts, and the officers thereof; conferring jurisdiction on courts of common pleas in connection therewith; and imposing certain costs and charges preliminarily on counties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2120, entitled:

An Act to amend sections one thousand eight hundred four, one thousand eight hundred nine, one thousand eight hundred eleven, and one thousand nine hundred four of, and to add section one thousand eight hundred twelve to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" further providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the city and its agents, and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs; requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs; imposing duties upon the director of accounts and finance; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. BARBER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, lines 22 to 25, by striking out the words "No hirings or purchases made or orders or war-" in line 22, all of lines 23 and 24, and the words "be valid" in line 25.

Amend Sec. 1, page 3, line 11, by striking out the word "six" and insert in lieu thereof: "nine"

Amend Sec. 1, page 4, line 6, by inserting after the word "until" the following: "after"

Amend Sec. 1, page 4, lines 6 and 7, by striking out the words "one public hearing has been held thereon after" and insert in lieu thereof: "ten days' "

Amend Sec. 1, page 4, lines 7 and 8, by striking out the words 'by publication not more than" in line 7, and the whole of line 8.

Amend Sec. 1, page 4, lines 10 to 12, by striking out all of lines 10 and 11, and the words "hold such hearing" in line 12.

Amend Sec. 1, page 4, lines 16 and 17, by striking out the words "hearing After such hearing has been had the" and insert in lieu thereof: "adoption of the budget The"

Amend Sec. 1, page 6, lines 8 to 15, both inclusive, by striking out all of said lines.

Amend Sec. 2, page 9, lines 25 and 26, by striking out the words "or not provided for by any appropriation"

Amend Sec. 2, page 9, line 28, by striking out the words "or for such contract not"

Amend Sec. 2, page 10, line 1, by striking out the words "provided for by any appropriation"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 2871, Senate Bill No. 1232, Printer's No. 595, on page 19 of today's calendar, bills on final passage, which was passed over in order.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2871 (Senate Bill No. 1232) as follows:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) are hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

"Buyer" means the person who buys the goods covered by the conditional sale or any legal successor in interest of such person

"Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed

"Goods" means all chattels personal other than things in action and money and includes emblements industrial growing crops machinery and equipment attached or to be attached to real estate and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether such event is the performance of an act by the buyer or the happening of a contingency

"Person" includes an individual partnership corporation and any other association

"Purchase" includes mortgage and pledge

"Purchaser" includes mortgagee and pledgee

"Seller" means the person who sells the goods covered by the conditional sale or any legal successor in interest of such person

Section 7 Fixtures [First As against a subsequent purchaser subsequent mortgagee or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any goods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made or such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not assented to the reservation of property in the goods if any of the goods are so attached to the realty as not to be severable without material injury to the freehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a copy thereof unless such injury although material be such as can be completelv repaired and the seller before retaking such goods furnishes or tenders to such owner prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto]

Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached or of any operating plant of which they may form a part but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any mortgagee encumbrancer owner purchaser or other persons having any interest in or liens against such real property or freehold until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with

a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for the county in which the said realty is situate Provided however if a owner or prior encumbrance of the said realty shall demand a bond to protect him against loss resulting from damage which may be caused to the land or to the physical structure of the buildings or other improvements to which such goods are attached by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said owner or prior encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage to the land or to the physical structure of the buildings or other improvements to which such goods are attached caused by the removal of the goods conditionally sold The provisions of section nine of this act shall not apply to any case in which the conditional sale contract shall be filed pursuant to the provisions of this section "Prior" as used in this section refers to the time of attaching the goods to the realty

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WEISS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend as follows:

Section 7, Page 4, Line 28, by striking out after the word "if", the word "a" and inserting in lieu thereof the word "an"

Amend Section 7, Page 5, Line 1, by striking out after the word "prior" the word "encumbrance" and insert in lieu thereof the word "encumbrancer"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. BURKE, from the Committee on Cities reported as committed, House Bill No. 590, entitled:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough; providing the procedure therefor, and terminating the terms of the officers of such city when the borough government is organized.

Mr. OMINSKY, from the Committee on Law and Order reported as committed, House Bill No. 1755, entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licensees, and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," better defining the word "club" and permitting sales by clubs on Sundays and election days.

Mr. FALKENSTEIN, from the Committee on Law and Order reported as committed, House Bill No. 1867, entitled:

An Act relating to bowling on Sunday; prohibiting bowling on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same, and, in certain cases a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws.

Mr. BRADLEY, from the Committee on Mines and Mining reported as committed, House Bill No. 2964 (Senate Bill No. 255), entitled:

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines.

Mr. GREENSTEIN, from the Committee on Judiciary General reported as committed, House Bill No. 2260 (Senate Bill No. 441), entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases.

Mr. CASTOR, from the Committee on Cities reported as amended, House Bill No. 2723, entitled:

An Act relating to police officers, patrolmen, firemen and park guards in cities of the first class; fixing their hours and basis of pay; requiring the furnishing of uniforms and equipment by the city; providing for medical attention; establishing a pension system; and providing for its management, contributions thereto by such employes and the city and for payments therefrom.

Mr. BLUMBERG, from the Committee on Judiciary General reported as amended, House Bill No. 1783, entitled:

An Act to amend section one of the act, approved the twelfth day of July, one thousand eight hundred and forty-two (P. L. 339), entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," further defining cases in which imprisonment for debt shall or shall not be permitted.

Mr. VanSICKLE, from the Committee on Cities reported as committed, House Resolution No. 164.

Mr. EBERHARTER, from the Committee on Cities reported as committed, House Resolution No. 168.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 590, entitled:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough; providing the procedure therefor, and terminating the terms of the officers of such city when the borough government is organized.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1755, entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred and thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1867, entitled:

An Act relating to bowling on Sundap; prohibiting bowling on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same, and, in certain cases a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2964 (Senate Bill No. 255), entitled:

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2260 (Senate Bill No. 441), entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. KOBELAK asked and obtained unanimous consent to introduce a bill the title of which was read as follows:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles; and providing penalties.

ADJOURNMENT

Mr. ROBINSON. Mr. Speaker, I move that this House do now adjourn until 11.00 A. M.

The motion was agreed to, and (at 12.48 A. M.) the House adjourned until Wednesday, June 12, 1935, at 11.00 A. M.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

WEDNESDAY, June 12, 1935

The Senate met at 12:00 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Thou, the God of nations, we thank Thee for our nation and for the honorable position she occupies among the kingdoms of earth. Never has her head been bowed in shame or defeat. By Thy grace it never shall.

The beautiful emblem whose birth we this week celebrate, has led many an American hero to victory and has never been trailed in the dust of dishonor. We would make our prayer for our flag today in these words:

The red, it is the blood of them who did our battles fight;
The white stands for our purity, for justice and for right;
The blue bespeaks for every son of Freedom's blood-bought soil
A rest beyond yon azure sky from battle and from toil.
O God, preserve our nation's flag, vouchsafe to it Thy care,
And to defend the Patriots' cause, Thy mighty arm make bare.

Hear this our prayer for Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BUCKMAN, the further reading was dispensed with, and the Journal was approved.

PETITIONS

FAVORING SENATE BILL NO. 1537

The Chair cleared his table and laid before the Senate petitions from numerous organizations, clubs and individuals throughout the State favoring Senate Bill No. 1537.

Which were referred to the Committee on State Government.

OPPOSING SENATE BILL NO. 1537

The Chair also laid before the Senate numerous petitions from churches, clubs, organizations, unions and individuals protesting against Senate Bill No. 1537.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1837 (Senate Bill No. 1613), entitled:

An Act to amend section two of the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "Borough Rural State Highway Law," by adding certain new routes.

Which was committed to the Committee on Highways.

House Bill No. 2106 (Senate Bill No. 1614), entitled:

An Act to amend section five hundred and eleven, and section five hundred and sixty-three, as amended, of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth the Department of Public Instruction and the Department of Internal Agairs; and requiring a copy of the budget to be filed with the Department of Internal Affairs.

Which was committed to the Committed on Education.

House Bill No. 2109 (Senate Bill No. 1615), entitled:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 2394 (Senate Bill No. 1616), entitled:

An Act to amend sections five hundred and sixteen, five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law" conferring on

supervisors powers over streams; changing the minimum, compensation of the secretary-treasurer; further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedicated roads and streets and for the opening thereof and the acceptance of roads streets lanes and alleys heretofor dedicated.

Which was committed to the Committee on Municipal Government.

House Bill No. 2498 (Senate Bill No. 1617), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws four hundred fifty-seven) entitled "Building and Loan Code" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

Which was committed to the Committee on Banking.

House Bill No. 2692 (Senate Bill No. 1618), entitled:

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and duties providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon the City of Philadelphia the cost of continuance and maintainance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this act and repealing certain prior acts.

Which was committed to the Committee on Judicial Special.

House Bill No. 2764 (Senate Bill No. 1619), entitled:

An Act providing for the creation and incorporation as municipal corporations and for the management and operation of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth, and its agencies through the construction of water-works and facilities and or the acquisition of the property water-works rights and franchises of public and private corporations copartnerships associations and individuals furnishing and supplying water to the public in said districts and the officers thereof; conferring jurisdiction on courts of common pleas in connection therewith; and imposing certain costs and charges preliminarily on counties.

Which was committed to the Committee on State Government.

HOUSE CONCURS IN SENATE BILL NO. 344

He also returned to the Senate, Senate Bill No. 344, entitled:

An Act to amend the title, and section one and two of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1019), entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sales of seated lands for collection of taxes; authorizing the county commissioners to sell the same at private sale under the circumstances," by extending the provisions thereof to unseated lands

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2393

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2393, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "Milk Dealers Law," further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1821

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1821, entitled:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "General County Law," by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 862

He also presented communication from the House informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 862, entitled:

An Act to provide revenues by imposing a State tax upon sales of tobacco by dealers, as herein defined; requiring persons engaged in the sale of tobacco at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons, as herein defined, engaged in the sale of tobacco at retail, or wholesale; and providing penalties.

Mr. McGINNIS. Mr. President, I move that Rule 21, which requires reports of Committees of Conference to be printed on the Calendar, be suspended, and that the Senate do now proceed to the consideration of the report of the Committee of Conference on House Bill No. 862.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 862

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives, for the purpose of considering House Bill No. 862, entitled: "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties," respectfully submit the following bill as our report:

JNO. W. HOWELL,
HARVEY HUFFMAN,
JOHN J. McCLURE,
Committee on the part oof the Senate.

SAMUEL A. WEISS,
M. F. LARUE,
MORTON WITKIN,
Committee on the part of the House of Representatives.

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Section 1 Be ti enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or b yany means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents ($.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the

Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner herein prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall concel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value thereof if any when such agent has purchased the stamps affixed by him directly from the department The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denomination and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any ciragettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unifit for use and consumption or unsalable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

The Department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Commonwealth

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars

($1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purposes of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred thirty-seven

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	Norton,	Rodgers,
Batchelor,	Homsher,	Owlett,	Rupp,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Sordoni,
Buckman,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—2

Clark,	Harvey,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 817.

He also presented communication from the House informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

Mr. BENNETT. Mr. President, I move that Rule 21, which requires reports of Committees of Conference to be printed on the Calendar, be suspended, and that the Senate do now proceed to the consideration of the report of the Committee of Conference on House Bill No. 817.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 817

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 817, entitled: "An act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred sixty-two), entitled 'An act relating to retirement from the Pennsylvania National Guard,' by including service in the United States Navy or Marine Corps in preferred classifications, and providing further for retirements and the rights of retired persons," respectfully submit the following bill as our report:

EDWARD B. BENNETT,
J. ALBERT REED,
CHARLES R. MALLERY,
Committee on the part of the Senate.

GEORGE E. DOWNEY,
WILLIAM G. SMITH,
SAMUEL B. HART,
Committee on the part of the House of Representatives.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and provided further for retirements and the rights of retired persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any person now retired or who may hereafter be retired from the Pennsylvania National Guard has served in the Pennsylvania National Guard whether as an enlisted man or officer or both for a period of more than forty years he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of

the next higher grade but not higher than Major-General and if he shall have served in the Pennsylvania National Guard for more than thirty years whether as an enlisted man or officer or both he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of the next higher grade but not higher than Colonel Provided however That in considering the period of service as aforesaid the military service by such enlisted man or officer whether in the Pennsylvania National Guard engaged in the Federal service or in the United States Army Navy or Marine Corps in any war or military service in which the United States has participated including the Spanish-American War the Philippine Insurrection the American Border service or the World War or other United States foreign military service shall be included and counted double in calculating the period of service for retirement with increased grade under the provisions of this act All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions This act shall be construed to include deceased officers and enlisted men heretofore retired who had more then forty years of service if application is made to the Adjutant General by some society post or camp of honorably discharged soldiers that the name of such officer or enlisted man be placed upon the retired list as of the next higher grade but not higher than Major General

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Bennett.	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 339, entitled:

An Act to repeal the act, approved the eighteenth day of April, one thousand nine hundred twenty-nine (P. L. 546), entitled "Industrial Police Law."

House Bill No. 252, entitled:

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," abolishing the county poll tax in counties of the third class; and eliminating provisions for the assessment and collection of poll taxes for voting purposes.

House Bill No. 183, entitled:

A Joint Resolution proposing an amendment to section eighteen, article three, of the Constitution of the Commonwealth of Pennsylvania.

House Bill No. 1035, entitled:

An Act to amend sections four, seven and nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (1933-34 P. L. 223), entitled "Veterans Compensation Act" clarifying certain service requirements of eligibility for compensation, stipulating the time within which appplication shall be made, and rendering certain additional classes eligible to receive compensation.

House Bill No. 2393, entitled:

An Act to amend section one as amended, sections two and three, sections four and five as amended, and sections six, eight, nine, eleven and twelye of, and to add section fourteen A to the act, approved the sixth day of May, one thousand nine hundred and twenty-five (P. L. 541), entitled "Milk Dealers Law," further regulating the issuing of permits; prohibiting the taking of unfair and inaccurate samples; requiring licensed testers to keep certain records; prescribing fees for examinations; providing for tests for official inspections and records; further regulating the weighing and testing of milk and cream; providing for notices to parties affected by tests; providing for sales by butterfat test; and empowering the Secretary of Agriculture to adopt rules and regulations.

House Bill No. 2547, entitled:

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (1933-34 P. L. 223), entitled "Veterans Compensation Act" providing for the payment of veterans' compensation to the state of a deceased claimant if application therefor be made during the lifetime of the claimant.

House Bill No. 1692, entitled:

An Act to amend section one of the act approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1656), entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury," limiting the time within which claims for refunds must be made.

House Bill No. 2064, entitled:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation.

House Bill No. 2066, entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

House Bill No. 2293, entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township, Chester County, Pennsylvania, for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States, and ceding jurisdiction over such land, and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with the United States on such land for the services of legal process thereupon.

House Bill No. 2210, entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area, boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War, and to accept gifts or deeds of historic objects, or of land, connected therewith.

House Bill No. 2653, entitled:

An Act granting permission to the Borough of Camp Hall, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives, in Lower Allen Township, Cumberland County, Pennsylvania, and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use.

House Bill No. 1914, entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "School Employes Retirement Law" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

House Bill No. 1973, entitled:

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "State Employes Retirement Law," by extending the benefits of said act to certain employes who have heretofore separated from school service.

House Bill No. 812, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands, the payment of labor, and the purchase of supplies, materials and equipment, to enlarge and improve the Military Reservation at Indiantown Gap, and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

House Bill No. 2325, entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to preside in the courts of common pleas and quarter sessions of such county.

House Bill No. 1621, entitled:

An Act to amend sections two and five of the act, approved the second day of May, one thousand eight hundred eighty-nine (P. L. 66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended, by extending the same to funds and money, estates or effects in the custody, or under the control, of certain United States courts; fixing jurisdiction; and providing proceedings relative thereto.

House Bill No. 1821, entitled:

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four, section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by clarifying the term "Deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

Senate Bill No. 344, entitled:

An Act to amend the title, and sections one and two of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1019), entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sales of seated lands for collection of taxes; authorizing the county commissioners to sell the same at private sale under the circumstances," by extending the provisions thereof to unseated lands.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. McCLURE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Delaware, Mr. McClure, will state his question of personal privilege.

Mr. McCLURE. Mr. President, at a conference in the Governor's office yesterday between the members of the Committee on Finance and himself, he made certain remarks which appeared to me to be a reflection on the members of the Senate. I desire to read from a morning newspaper of Philadelphia:

"As a strong advocate of the tax on chain stores, Governor Earle, after stating that in his opinion these establishments could carry the burden, suddenly expressed surprise that some members, previously understood to favor the impost, are now against it."

I quote, further: "I suggest, gentlemen," said the Governor, "that you investigate ugly rumors that have been going around the Capitol with reference to this bill. It seems strange to me that some members who were for the bill some time ago are now among its outstanding opponents.

"Why this about-face? These ugly rumors may be entirely without foundation, but for the sake of your own reputations I suggest that you investigate them."

RESOLUTION REQUESTING INFORMATION FROM THE GOVERNOR

Mr. McCLURE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE offered the following resolution, which was twice read:

In the Senate, June 12, 1935.

Whereas, During a visit paid by the Members of the Finance Committee of the Senate of Pennsylvania to Governor George H. Earle at his office in the State Capitol,

Tuesday, June 11th, the Governor in a discussion of tax bills suggested an investigation into what he termed "ugly rumors" concerning the attitude of Senators upon pending legislation known as the bill to tax chain stores, and

Whereas, The remarks of Governor George H. Earle have been given great prominence in the newspapers of Pennsylvania today and constitute a reflection upon members of this body, making it imperative that the facts upon which any such statement as made by Governor George H. Earle should be made known to the Senate, now therefore be it

Resolved, That the Senate of Pennsylvania hereby respectfully requests Governor Earle to submit to the Senate in writing any information he may possess as a foundation for the remarks made by him at his conference with Members of the Finance Committee of the Senate of Pennsylvania on Tuesday, June 11.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended, and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. ROBERTS. Mr. President, I object. The reason for my objection is, I should like to offer an amendment to the resolution.

The PRESIDENT. The Chair hears objection.

Mr. ROBERTS. Mr. President, since the resolution has been presented, I should like to offer an amendment providing for an investigation.

The PRESIDENT. Does the Senator from Northampton, Mr. Roberts, desire to offer his amendment?

Mr. ROBERTS. Mr. President, I do not have it prepared. That is why I object to the immediate consideration of this resolution—so I may have an opportunity to offer the amendment.

The PRESIDENT. Does the Senator from Northampton, Mr. Roberts, desire that the resolution be referred to a committee, or that it lie on the table?

Mr. BUCKMAN. Mr. President, I move that the resolution lie on the table for the present.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 10, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with Law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CHESTER COUNTY

Miss Margaret V. O'Connell, Phoenixville.

CUMBERLAND COUNTY

Ira C. Mellinger, Enola.

DAUPHIN COUNTY

Miss Mary Alma Allin, Harrisburg.
Mrs. K. W. Hocker, Progress.

DELAWARE COUNTY

James M. Dunn, Upper Darby.
Miss Caroline J. Moore, Chester.
Mrs. E. T. Scally, Upper Darby.
David J. Vint, Rutledge.

LACKAWANNA COUNTY

George H. Carpenter, Scranton.

LYCOMING COUNTY

Miss Edna M. Breese, Williamsport.

PHILADELPHIA COUNTY

Philip Caplan, 123 S. Broad St., Philadelphia.
W. E. Davis, Jr., Wayne and Windrim Ave., Philadelphia.
Miss Reba Kancher, 214 S. 12th St., Philadelphia.
J. D. Lodge, Packard Bldg., Philadelphia.
Mrs. Margaret Lyle, 804 S. 12th St., Philadelphia.
Edward McCormick, Jr., 405 Morris Bldg., Philadelphia.
Miss Dorothy Marple, Franklin Trust Bldg., Philadelphia.
Aaron Rabinowitch, 4702 N. 5th St., Philadelphia.
Harold T. Zuecca, 1165 S. Broad St., Philadelphia.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor to lie on the table one day be dispensed with and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Mr. MALLERY from the Committee on Municipal Government reported as committed, Senate Bill No. 1118, (House Bill No. 1628), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of

an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 741 (House Bill No. 631), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect if judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1268 (House Bill No. 1515), entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents.

Mr. BENNETT from the Committee on Military Affairs reported as committed, Senate Bill No. 697 (House Bill No. 1200), entitled:

An Act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States.

Mr. REED (Dauphin) from the Committee on Municipal Government reported as committed, Senate Bill No. 1170 (House Bill No. 1522), entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 689 (House Bill No. 1287), entitled:

An Act providing when, how, and under what circumstances and conditions a claimant, being a county, municipality, township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale; for the procedure, in such cases, by petition, rule, notice, hearing and decree of Court to sell said real estate freed and cleared of all taxes, municipal claims, liens, mortgages, ground rents, charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full; for the stay of proceedings; for redemption and priority thereof and of the status of liens during said period; and for the right of a tax or municipal claimant to purchase the real estate at any sale.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 982 (House Bill No. 1426), entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1364 (House Bill No. 618), entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to review judgments on such liens where more than five years have elapsed since such liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 867 (House Bill No. 1836), entitled:

An Act authorizing boroughs to construct reconstruct and repair sidewalk gutters curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1356, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims.

Mr. FREY from the Committee on Municipal Government reported as committed, Senate Bill No. 1142, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon, by means of separate assessments of the land values and the values of improvements on or in the land, and a sliding scale for apportioning the percentages of the total amount of revenue from taxes upon real property to be borne by unimproved land and improvements on or in the land from the year one thousand nine hundred and thirty-seven to the year one thousand nine hundred and forty-eight and thereafter.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1165, entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands, and for the development and equipment of playgrounds and recreation and civic centers.

Mr. PYTKO from the Committee on State Government reported as committed, Senate Bill No. 1600, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred and six (P. L. 45) entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining same, and prescribing penalties for violations of this act," by further regulating the publication of statements issued by the State Treasurer from time to time concerning the moneys in the State Treasury.

Mr. BUCKMAN from the Committee on Highways reported as committed, Senate Bill No. 1358 (House Bill No. 977), entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (P. L. 1520) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery end equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the expenditure of such appropriation for the construction of second-class township streets roads and bridges requiring the reduction of tax levies by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies and permitting additional special tax levies under certain circumstances.

Also from the Committee on Highways reported as committed, Senate Bill No. 1361 (House Bill No. 2062), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance including snow removal construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act.

Mr. REED (Washington) from the Committee on Education reported as amended, Senate Bill No. 1575 (House Bill No. 2527), entitled:

An Act providing for special vocational trade industrial and commercial schools and classes in co-operation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Mr. HARRIS from the Committee on Judiciary Special reported as amended, Senate Bill No. 707, entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations engaged in the business of outdoor advertising by means of billboards, signs or structures and the issuing of permits for the erection use and maintenance thereof, levying an excise tax for the use of the Commonwealth, prescribing the location in which said billboards signs and structures may be located and providing penalties,

Also from the Committee on State Government reported as committed, Senate Bill No. 1611, entitled:

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg, placing said addition, upon completion, under the jurisdiction and control of the Department of Health and making an appropriation.

Mr. LAW from the Committee on Judiciary Special reported as amended, Senate Bill No. 777 (House Bill No. 883), entitled:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for the annulment of void marriages.

Mr. RICE from the Committee on Education reported as committed, Senate Bill No. 1599, entitled:

An Act providing for the purchase, and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation.

REPORT OF SPECIAL COMMITTEE APPOINTED TO INVESTIGATE FACILITIES FOR TREATMENT OF TUBERCULAR PATIENTS IN STATE SANITORIA, PURSUANT TO SENATE RESOLUTION NO. 13

Mr. RANKIN. Mr. President, as chairman of a special committee appointed, under Senate Resolution No. 13, to investigate the necessity of providing additional facilities for the care and treatment of tubercular patients eligible to admission in the State sanitoria, I desire to make my report at this time. Copies have been prepared and will be placed upon the desks of the Senators.

The PRESIDENT. Inasmuch as copies of the report are to be placed on the desks of the Senators, the Chair sees no necessity of having it read. It will be received and made a matter of record in the Journal.

Harrisburg, Pennsylvania, June 10, 1935.

To the President and Members of the Pennsylvania State Senate.

Gentlemen:

According to Senate Resolution No. 13, a special committee was appointed to investigate the necessity of providing additional facilities for the care and treatment of tubercular patients, eligible to admission to the state sanatoria of this Commonwealth, and whether any property of the Commonwealth now in use for other purposes or unused, could be employed more advantageously in the care and treatment of tubercular patients.

This committee after careful investigation and thoughtful consideration, submit the following report:

The General Assembly, Special Session of 1933, passed the necessary legislation for the creation of a State Tuberculosis Sanatorium No. 4, to cost $800,000.00. It required that the institution be located in forestry reserve land owned by the Commonwealth. A site was chosen in Jefferson County and approved by the Governor. Plans and specifications were prepared and submitted to the Public Works Administration, Washington, D. C. These plans were approved and the project given a Federal Docket number. As the Commonwealth was unable to acquire the amount requested the project was abandoned. However, the application before the Public Works Administration was not withdrawn and is still pending.

During the present session of the General Assembly, House Bill No. 271, introduced by Mr. Baine, January 22, 1935, was presented which requests the authorization of the eretion and construction of a new sanatorium. The Act carries a request for $800,000.00 and is similar to the Act presented in the Special Session of 1933.

The waiting list, a part of this report, shows very clearly the constant demand for admission to the three (3) Sanatoria and when one realizes that it takes eight (8) months after an application has been received before a hospital patient is admitted, the need for additional beds is evident, by the following:

WAITING LIST FOR ADMISSION TO SANATORIA
PENNSYLVANIA DEPARTMENT OF HEALTH

	1930	1931	1932	1933	1934	1935
January	581	950	1227	1151	715	913
February	669	1040	1310	1175	835	999
March	750	1190	1385	1142	804	994
April	825	1320	1451	1322	702	1013
May	1050	1300	1435	1533	970	867
June	1305	1452	1446	1580	866	
July	1275	1470	1585	1580	1032	
August	1345	1420	1610	1284	984	
September	1105	1564	1507	1099	1173	
October	1085	1526	1365	1062	1205	
November	1050	1435	1312	*894	1044	
December	900	1313	1243	829	985	

* You will note the reduction in the waiting list as of November, 1933. The Legislature of 1929 and 1931 appropriated sufficient amount of money for the construction of four (4) hospital units at Mont Alto, two (2) at Hamburg and one (1) at Cresson, which were responsible for the marked decrease as shown. However, since June, 1934 there appears to be a tendency unward. Patients are now being admitted whose applications were received in July, 1934.

In view of the above we are submitting two separate studies as to the construction of a new sanatorium or the enlargement of the present Sanatoria.

The waiting list as of May 1, 1935, shows that a total of eight hundred and sixty-seven (867) persons are waiting for admission to the Sanatoria. A study of the list convinces us that additional beds for approximately six hundred (600) persons should be provided.

The two plans considered are as follows:

1. The construction of a new sanatorium for 600 beds. (Estimated cost $4,037,000.00).
2. The enlargement of the present three (3) Sanatoria by 636 additional beds. (Estimated cost $3.156,500.00).

The study contains a few methods for reaching the desired results, however, numerous combinations can be devised other than shown.

The study also shows the difference between the cost of construction, as to whether the work be constructed under the supervision of the Commonwealth or the Public Works Administration. The figures are only estimates to be used as a comparison. The actual cost of the projects will vary in conformity to cost of both labor and materials at the time of construction.

Your committee keeping in mind that part of the study pertaining to the enlargement to the three (3) Sanatoria, contemplates no abandonment of existing units. In each scheme it means additional buildings. It is not intended to convey the thought that should these enlargements be made no further funds would be required for future construction.

Mont Alto Sanatorium was built between 1907 and 1910. It consists of wooden buildings, none of which are fireproof, in fact, they are now considered a dangerous fire hazard, especially the Children's Building. In a comprehensive scheme it is planned to gradually replace these wooden units with modern fireproof structures.

The existing wooden cottages at both Mont Alto and Cresson are not suitable for the treatment of tuberculosis in accordance with modern practice. They have reached the point, where it is both expensive and difficult to keep in repair and maintain. It is hoped that at some future time no patient will be housed and treated in any wooden building.

It has been suggested that there might be the possibility of securing extra bed capacity at both Cresson and Hamburg by raising the roofs of the existing ward buildings to make them three (3) stories high. This is not feasible for the following reasons:

1. The existing ward buildings are not fireproof.
2. To add an additional story and roof would increase the fire hazard to a marked degree.
3. The above is substantiated by the Building Inspection Section of the Department of Labor and Industry.
4. Serious engineering problems would have to be met, due to narrowness of the buildings, wind stresses, structural stability, extension to utilities lines, etc.
5. The necessity of closing second story wards during construction (approximately one [1] year or more) would temporarily decrease the present bed capacity with a corresponding increase in the waiting list during the same period.

The building of a new Sanatorium costing over $4,000,000.00 cannot be considered at this time owing to economic conditions, but some arrangement must be made to meet, in some degree, the crying need of the tubercular sufferers of Pennsylvania. Therefore, we submit the following propositions with our recommendation.

NEW SANATORIUM

Capacity	
Patients	600
Help	150
	750

	State Funds	P.W.A. Funds
Hospital Units		$2,625,000.00
Infirmary		310,000.00
Dining Building		280,000.00
Power Plant, Elec. Generator, Laundry and Machine Shop .		252,000.00
Utility Lines — Steam and Power, etc.		160,000.00
Store and Warehouse		130,000.00
Miscellaneous Buildings, Etc. ..		75,000.00
Waterworks		65,000.00
Sewerage System		52,000.00
Homes for Staff		45,000.00
Garage		25,000.00
Piggery		18,000.00
		$4,037,000.00
Interest charges and overhead to U. S. Government		$ 245,000.00
		$4,282,000.00

ADDITION TO MONT ALLTO

Capacity	
Present Patients	1035
Help	170
	1205
Increased Patients	96
Help	14
	1315

	State Funds	P.W.A. Funds
Two Hospital Units and connecting corridors	$353,000.00	
Waterworks and Sewerage Systems	68,000.00	
Moving Cottages	20,000.00	
Miscellaneous Costs	15,000.00	
Steam Mains	5,000.00	
	$461,000.00	
Interest charges and overhead to United States Government		$ 15,000.00
		$476,000.00

ADDITION TO CRESSON

Capacity	
Present Patients	820
Help	141
	961
Increase Patients	220
Help	40
	1221

	State Funds	P.W.A. Funds
Four new Hospital Units (160 beds) including connecting corridors, etc.	$ 700,000.00	
Addition 40 beds unit to Children's Hospital	150,000.00	
One Dormitory	140,000.00	
Moving Cottages	64,500.00	
Alterations to Steam Plant	60,000.00	
Alterations to Electric Plant	58,000.00	
Waterworks and Sewerage Systems	45,000.00	
Infant's Building (20 beds)	35,000.00	
Extension to Dining Building	26,000.00	
Extension to Steam Main	12,000.00	
	$1,290,500.00	
Interest charges and overhead to United States Government		$ 76,500.00
		$1,367,000.00

ADDITION TO HAMBURG

Capacity	
Present Patients	530
Help	97
	627
Increase Patients	320
Help	50
	997

	State Funds	P.W.A. Funds
New Hospital Units (320 beds)	$1,120,000.00	
One Dormitory for Help	125,000.00	
Extension on Steam Mains, Water and Electric Lines	85,000.00	
Improvement to Steam Plant	44,000.00	
Waterworks and Sewerage Systems	20,000.00	
Extensions to Laundry	11,000.00	
	$1,405,000.00	
Interest charges and overhead to United States Government		$ 84,000.00
		$1,489,000.00

COMPARISON OF COSTS

New Sanatorium	State Funds	P. W. A. Funds
Patients 600		
Help 150		
750 beds		
Estimated Cost	$4,037,000.00	$4,282,000.00

OR

ADDITIONS TO THE PRESENT SANATORIA (3)

Mont Alto		
Increase — Patients 96		
Help 14		
110		
Estimated Cost	$461,000.00	$476,000.00
Cresson		
Increase — Patients 220		
Help 40		
260		
Estimated Cost	$1,290,500.00	$1,367,000.00
Hamburg		
Increase — Patients 320		
Help 50		
370		
Estimated Cost	$1,405,000.00	$1,489,000.00

SUMMARY

Cost — Construction and Equipment of New Sanatorium	$4,037,000.00	$4,282,000.00
Cost — Construction and Equipment of additions to Sanatoria	$3,156,500.00	$3,332,000.00
	$ 880,500.00	$ 950,000.00
Savings in cost to Commonwealth if additions are made to existing Sanatoria	$880,500.00	
Additional savings if interest and overhead charges are not paid to United States Government for P. W. A. Funds	175,500.00	
*Total Savings	$1,056,000.00	

Note that 150 help are required for a new Sanatorium, and that 104 help are required for additions to present Sanatoria.

*It is also of interest to note that the present personnel such as Medical Director and his Administrative, Maintenance and Operating employees at the three (3) Sanatoria would not have to be increased to any great extent should the Sanatoria be enlarged as outlined.

Your committee, after carefully considering the tax burdened conditions of our people, recommends that an addition to the Hamburg Sanatorium only, to cost approximately $1,405,000.00, and housing 320 patients, be erected as soon as funds are available.

GEO. RANKIN, Jr.,
WM. C. HUNSICKER,
JAMES E. NORTON,
HERMAN E. BAUMER,
G. MASON OWLETT.

REPORTS FROM COMMITTEES

Mr. COYNE, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1436 (House Bill No. 1980), entitled:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes."

Mr. SALUS. Mr. President, I ask unanimous consent to make report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SALUS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1425, entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments; abating penalties and interest on taxes for such years upon the payment of such instalments, together with the taxes for current years and in certain instances of accrued costs; extending the period for redemption of lands sold to counties where it has not already expired; providing for sales of lands already advertised for sale for delinquency in payment of taxes; providing for sales of land as to which the owner has not performed; the requirements of the act after an election, and for the sale of lands as to which no election has been made by the owner, and repealing inconsistent laws.

BILLS INTRODUCED

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1620, entitled:

An Act empowering the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School, to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

Which was committed to the Committee on State Government.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1621, entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred and ninety-nine (P. L. 229) entitled "An act relative to the liens of the Commonwealth against unpatented lands; providing for their adjustment and for the granting of patents," by exempting the Commonwealth, and any department board or commission thereof from the payment of certain patent fees.

Which was committed to the Committee on State Government.

Mr. GELDER read in his place and presented to the Chair, Senate Bill No. 1622, entitled:

An Act to amend the title of, and the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 301) entitled "An act providing for the acquisition, construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth; authorizing the issuance of bridge revenue bonds, free from taxation and payable solely from bridge earnings, to pay the cost of such bridges and improvements thereof; providing for the collection of bridge tolls for the payment of such bonds, and for the cost of maintenance, operation and repair of the bridges; constituting such bonds legal investments in certain instances; prescribing conditions upon which such bridges shall become free bridges; conferring powers and imposing duties on the State Bridge Commission; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," by extending the provisions thereof to tunnels for highway purposes.

Which was committed to the Committee on Highways.

Mr. FREY read in his place and presented to the Chair, Senate Bill No. 1623, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirty-five (Act No. 52) entitled "An act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first class), borough, town, township school district (except school district of the first class) and poor district taxes," by providing for the abatement of taxes on real estate by sheriff's sale, by specifically stating delinquent date of one thousand nine hundred and thirty-five taxes, and by stating the effect of nonpayment of any quinquennial installment of delinquent taxes.

Which was committed to the Committee on Judiciary General.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1972

The Clerk of the House of Representatives being introduced informed the Senate that the House has non-curred in amendments made by the Senate to House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 1972

Mr. EALY. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

CONSIDERATION OF SENATE BILL NO. 1590

Mr. ROBERTS. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1590, on third reading, entitled:

An Act to amend section two of the act approved the twelfth day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 5-A) entitled "An act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for return of the transferred money.

Mr. McCLURE. Mr. President, I object.

Mr. HUFFMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McCLURE. Mr. President, it is the desire of some Senators here to give this bill, as well as the other bills extending the time for return of the transferred money to the General Fund, more study before we act on them. With regard to Senate Bill No. 1422, a companion bill, I am going to ask the Senate to recess so this bill, as well as the others of like nature, can be given further consideration before they finally come to a vote. I respectfully request the Senator from Northampton, Mr. Roberts, to withdraw his motion for the present.

Mr. ROBERTS. Mr. President, I desire to interrogate the Senator from Delaware, Mr. McClure.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated.

Mr. McCLURE. Mr. President, I will.

Mr. ROBERTS. Mr. President, the request of the Senator from Delaware, Mr. McClure, for more time in which to consider these bills prompts me to ask this question: How much more chance will we have to consider these bills than we have had already, unless we take considerably more time to do it?

Mr. McCLURE. Mr. President, these bills will not take long, and I have been requested by some of the Senators in the Chamber to ask for a recess so they can consider these bills.

Mr. ROBERTS. Mr. President, I never object to anyone's being given time to consider bills; but we have been late in starting—this session was to have been begun at twelve o'clock noon, and it was practically one o'clock before we convened. There is a good deal of business before us, and I think we should have as few recesses as possible in view of the length of the Calendar. Therefore, I press my motion to proceed to the consideration of this bill.

Mr. McCLURE. Mr. President, I hope the members of the Senate will reject the motion.

A division being called for, twenty-five Senators voted in the affirmative, and twenty-four in the negative; whereupon the motion was decided in the affirmative.

BILL RECOMMITTED

Mr. ROBERTS. Mr. President, I move that Senate Bill No. 1590, on third reading, be recommitted to the Committee on Finance.

Mr. McCLURE. Mr. President, I second the motion

The motion was agreed to.

CONSIDERATION OF SENATE BILL NO. 1587

Mr. THOMPSON (Centre). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1587, on third reading, entitled:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 8) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

This is the bill dealing with the money from the State School Fund.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McCLURE. Mr. President, I object to this motion for the same reason I stated in objecting to the previous motion. I believe that the members of the Senate should be given time to consider these bills.

MOTION TO RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now recess for thirty minutes.

POINT OF ORDER

The PRESIDENT. There is a motion pending. The previous motion will have to be put.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty Senators voted in the affirmative, and twenty-seven in the negative; whereupon the question was decided in the negative.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now recess for thirty minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of the recess having elapsed, the Senate will be in order.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreably to order,

The Senate resumed the consideration of Senate Bill No. 712, as follows:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered and preserving the right of certain other corporations.

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the conduct of the business of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to nor register any corporation nor shall any corporation be permitted to conduct the business or profession of undertaking which has not already been licensed and registered Provided however that the provisions of this act shall not be construed to affect the rights existing prior to the effective date hereof of any corporation heretofore incorporated under the laws of this Commonwealth or incorporated under the laws of any other State and heretofore authorized to conduct business within this Commonwealth

Section 2 This act shall become effective immediately upon its approval by the Governor

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which this bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye".

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McGINNIS. Mr. President, I ask unanimous consent to amend title of bill, page 1, line 13, by striking out after the word "registered" the words "and preserving the rights of certain"; amend title of bill, page 1, line 14, by striking out the words "other corporations"; amend Section 1, page 3, line 1, by striking out after the bracket, the following: "Provided however that the provisions of"; amend Section 1, page 3, by striking out all the words in lines 2 to 7 inclusive.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 562, as follows:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs town and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescrbiing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" is hereby amended to read as follows

An Act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States to finance certain projects and prescribing the manner of such borrowing

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county city borough town or townships is hereby empowered to borrow money from the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States for the purpose of financing any project non-competitive with existing revenue producing private or public business which is self-liquidating in character or needful and economically sound or needful and in the public interests and to issue or sell with or without soliciting or obtaining bids therefor to the Federal Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States its bonds or other obligations Such loans shall be made on such terms and conditions and at such interest or discount or rediscount rates as the Reconstruction Finance Corporation the Public Works Administration or any other agency of the Government of the United States may prescribe and approve Provided That no such bonds or other obligations shall be issued or sold for less than par

Section 2 Except as herein otherwise expressly provided such bonds or other obligations shall be issued in the manner prescribed by and subject to the provisions of the Constitution and laws of this Commonwealth providing for the incurring and increasing of municipal indebtedness

Section 3 This [act] amendment shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shal the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Daly,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1024, as follows:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take trout from licensed propagating ponds used for commercial purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" are hereby amended to read as follows

Section 172 Waters Usable No dams ponds or other devices which will prevent the free migration of fish shall be erected or placed by a person licensed under this article in any stream flowing over his property [No person shall use the ponds so licensed for any purpose other than for commercial fish purposes]

Section 173 Authority Under License The license issued by this article authorizes the licensee to carry on the business of propagation and sale of the species of fish authorized by the license or the eggs thereof during the year for which the license is issued The license authorizes the licensee to catch and kill the fish authorized by the license from the licensed ponds in any manner whatsoever except with explosives or poisonous substances The license further authorizes the licensee to sell or dispose

of in any manner whatsoever the fish authorized by the license or the eggs thereof at any time of the year and it authorizes express and railroad companies to receive and transport the same The license further authorizes the licensee to grant permits to others to take trout from a licensed pond used for commercial purposes at any time and in any manner upon the payment of a permit fee of fifty cents to be paid by the permittee and collected by the licensee and by him paid over to the Commonwealth through the Department of Revenue for the use of the Fish Fund Any such permit shall be good only for the day for which it is issued Such permits shall be in such form as the Department of Revenue shall prescribe and may be placed in the possession of licensees for issue to permittees under such system of accounting as the Department of Revenue may prescribe No person issued a permit under this section shall remove any trout from the vicinity of the licensed pond or have the same in his possession unless the permittee shall also have a certificate issued by the owner of the licensed pond certifying the number of trout caught and the date on which the same were caught and such other information as the Board of Fish Commissioners shall prescribe Any violation of this provision shall subject the offender to the penalties imposed by this act for catching fish out of season illegally or without a license

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—2

Law,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1028, as follows:

An Act to amend section six hundred twenty-nine of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from subdivision (b) of Article six of that Act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section six hundred twenty-nine of the Act approved the seventeenh day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by the Act of June twenty-three one thousand nine hundred and thirty-one (P. L. 904) is hereby amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy

(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance endowment or annuity contracts or contracts supplemental thereto which contain only such provisions relating to accident and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to safeguard such contracts against lapse or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of Section four hundred nine of an Act approved May seventeen one thousand nine hundred and twenty-one (P. L. 682)

(c) Nothing in subdivision (b) of this Article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An Act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act"

(d) The provisions contained in clause (e) of Section six hundred and seventeen (617) and clauses (b) (c) (h) and (l) of Section six hundred and eighteen (618) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, as were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—1

Shapiro,

A majority off all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House off Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1035, as follows:

An Act to amend the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to include a new section to be known as four hundred and ten B (410B) to read as follows

Section 410B Uniform provisions for contracts of annuities and pure endowment contracts On and after January first one thousand nine hundred thirty-six no annuity or pure endowment contract shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company except policies of industrial insurance where the premiums are payable monthly or oftener unless and until a copy of the form thereof has been filed with the Insurance Commissioner and formally approved by him Except in the case of a reversionary annuity otherwise called a survivorship annuity or an annuity contracted by an employer in behalf of his employes no annuity or pure endowment contract shall be so issued or delivered in this Commonwealth unless it contains in substance the following provisions

(a) A provision that there shall be a period of grace either of thirty days or of one month within which any stipulated payment to the company falling due after the first year may be made subject at the option of the company to an interest charge thereon at a rate to be specified in the contract but not exceeding six per centum per annum for the number of days of grace elapsing before such payment during which period of grace the contract shall continue in full force but in case a claim arises under the contract on account of death during the said period of grace before the overdue payment to the company or the deferred payments of the current year if any are made the amount of such payments with interest on any overdue payments may be deducted from any amount payable under the contract in settlement

(b) If statements other than those relating to age and identity are required as a condition of issuing the contract a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or each of the persons as to whom such statements are required for a period of two years from its date of issue except where stipulated payments to the company have not been made and except for violation of the conditions of the contract relating to military or naval service in time of war and at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant insurance specifically against death by accident may also be excepted

(c) A provision that such contract shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be indorsed upon or attached to such contract when issued and in such case such contract shall contain a provision that it together with the application therefor shall constitute the entire contract between the parties

(d) A provision that if the age of the person or persons upon whose life or lives the contract is based or of any of them has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct age or ages Any overpayment or overpayments by the company on account of misstatement of age shall with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum to be charged against the current or next succeeding payment or payments to be made by the company under the contract

(e) If the contract is participating a provision that the divisible surplus shall be apportioned annually and dividends shall be payable in cash or shall be applicable to any stipulated payment or payments to the company under the contract

(f) A provision that if the contract after having been in force for three full years shall by its terms lapse or become forfeited because any stipulated payment to the company shall not have been made the reserve on such contract computed according to the standard adopted by said company in accordance with section three hundred and one of this Act shall after deducting one-fifth of the said entire reserve and any indebtedness to the company under the contract be applied as a net single payment according to said standard for the purchase of a paid up annuity or pure endowment contract which may be non-participating and which shall be payable by the company under the same terms and conditions except as to amount of the original contract A company may provide in lieu of said paid up values for a paid up annuity or pure endowment contract in an amount bearing the same proportion to the original annuity or pure endowment contract as the number of stipulated payments which shall have been made to the company shall bear to the total number of stipulated payments required to be made to the company under the contract and if there be any indebtedness to the company under the contract the amount of such paid up annuity or pure endowment shall be reduced by an amount bearing the same proportion to such paid up annuity or pure endowment as such indebtedness bears to the reserve on such paid up annuity or pure endowment computed according to the standard adopted by said company in accordance with section three hundred and one of an Act approved the seventeenth day

of May one thousand nine hundred and twenty-one (P. L. 789) as amended

(g) A provision that the contract may be reinstated at any time within one year from the date of default in making stipulated payments to the company provided that all overdue stipulated payments and any indebtedness to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annually In cases where applicable a company may also include a requirement of evidence of insurability satisfactory to the company

No contract for a reversionary annuity shall be so issued or delivered unless it contains in substance the following provision

(1) Provisions (a) (b) (c) and (e) of this section except that under provision (a) the company may at its option provide for an equitable reduction of the amount of the annuity payments in settlement or an overdue or deferred payments in lieu of providing for a deduction of such payments from any amount payable upon a settlement under the contract

(2) A provision that if the age of any of the persons upon whose lives the contract is based has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct ages

(3) A provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the company upon production of evidence of insurability satisfactory to the company provided that all overdue payments and any indebtedness to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annually

Any of the foregoing provisions or portions thereof not applicable to non-participating contracts nor to contracts for which a single stipulated payment to the company is made shall to the extent not be incorporated therein and any such contract may be issued or delivered in this Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the holder of the contract than hereinbefore required

Nothing herein contained shall be construed to prevent a life insurance corporation which issues life insurance on a participating basis from issuing annuities reversionary annuities or pure endowments on a non-participating basis

Any such contract or any application endorsement or rider form used in connection therewith issued in violation of this section shall nevertheless be held valid but shall be construed as provided in this section and when any provision in such contract application endorsement or rider is in conflict with any provision of this section or with any other statutory provision the rights duties and obligations of the company of the holder of the contract and of the beneficiary or annuity thereunder shall be governed by the provisions of this section The provisions of this section shall not apply to contracts of reinsurance nor to contracts for deferred annuities or reversionary annuities included in life insurance policies

For the purpose of this section application forms rider forms and endorsement forms for use in connection with any such contract excepting riders or endorsements relating to the manner of distribution of benefits or to the reservation of rights and benefits under any such contract and used at the request of the individual holders of such contracts shall be deemed to be parts of such contracts and shall require the approval of the Insurance Commissioner No rider and no endorsement except as stated above shall be attached to or printed or stamped upon any such contract issued or delivered in this Commonwealth until the form of such rider or endorsement has been filed with the Insurance Commissioner and formally approved by him

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall this bill pass finally?

Mr. RUPP. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. RUPP. Mr. President, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. RUPP. Mr. President, I ask unanimous consent to amend section 1, page 5, lines 11 to 29 both inclusive, by underscoring the entire said lines; also page 7, lines 15, 16, 17 and 18 by underscoring the entire said lines.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 156, entitled:

An Act making an appropriation to the Department of Military Affairs for the purchase of land and construction and equipment of an armory and headquarters for Troop C One Hundred and Fourth Pennsylvania Cavalry.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff.			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 224, entitled:

An Act making an appropriation to the Mount Sinai Hospital of Philadelphia Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 253 (House Bill No. 434), entitled:

An Act validating adoptions in courts of record of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed	Thompson
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. REED (Washington). Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 1027, on final passage postponed for the present, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled, "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from that section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insures against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring?

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 284, entitled:

An Act for the acquisition of property by the Commonwealth east of the Soldiers' and Sailors' Memorial Bridge in the City of Harrisburg and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 316 (House Bill No. 219), entitled:

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—1

Law.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 343, entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 366, entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler a feed water pump and certain repairs and improvements at The Dixmont Hospital Dixmont Allegheny County.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 375, entitled:

An Act making an appropriation to the Christian H. Buhl Hospital Sharon Pennsylvania.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson.
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 639, entitled:

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 732, entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 826 (House Bill No. 1278), entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to amend title, page 1, line 1 of title, by striking out the word "service" and insert in lieu thereof: "return"; amend title, page 1, line 3 of title, by inserting after the word "on" the following: "controllers and"; amend sec. 1, page 1, line 4, by striking out the words "district attorney of any county secures the"; amend sec. 1, page 1, lines 5 to 12, by striking out all of said lines, both inclusive, and insert in lieu thereof: "the officer or individual who has served subpoenas issued by the district attorney for any term of court, shall make return thereof as required by law, he shall be required to return all subpoenas received within a reasonable time prior to such return day at one and the same time, and in making such return of subpoenas, he shall receive mileage only for trips actually and necessarily made in returning such subpoenas and not mileage on each separate subpoena returned. In order to carry into effect the provisions of this section, the district attorney in issuing subpoenas shall so far as conveniently may be, mail or cause to be delivered subpoenas going to the same officer or individual for a term of court at one and the same time"; amend sec. 2, page 1, line 13, by striking out the word "serving" and insert in lieu thereof: "returning"; amend sec. 2, page 1, lines 13 and 14, by striking out the words "at the instance of" and insert in lieu thereof: "issued by"; amend sec. 2, page 1, line 15, by inserting after the word "by" the following: "the county controller and where there is no controller by".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 827 (House Bill No. 1279), entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO CONSIDER SENATE BILL NO. 1429

Mr. REED (Dauphin). Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 1429 (House Bill No. 2853), on Third Reading Postponed for the Present, on page 14 of the Calendar.

Mr. BUCKMAN. Mr. President, I second the motion.

A division being called for, fourteen Senators voted in the affirmative and twenty-five in the negative; whereupon the question was decided in the negative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 848, as follows:

An Act to provide for Sexual Sterilization of Mental Defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

Whereas The State now has in custody and is supporting at great expense many mentally deficient persons who when discharged are likely by the propagation of their kind to increase the social and economic burden and who if imcapable of propagating might be discharged or paroled and thereby lessen the economic burdens of the State and

Whereas The welfare of society and the health and personal liberty of the individual may be promoted in certain cases by the sterilization of mental defectives under careful safeguards and by competent and conscientious authority and

Whereas Such sterilization may be effected in males by vasectomy and in females by salpingectomy both of which operations may be performed without serious pain or substantial danger to the life of the patient or without the removal of any tissue or organ and

Whereas Human experience has demonstrated that heredity plays an important part in the transmission of idiocy imbecility and mental deficiency now therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is hereby declared to be the policy of this Commonwealth to promote the public welfare by preventing procreation of idiots imbeciles and feeble-minded persons in cases where the individual welfare of such idiots imbeciles and feeble-minded persons likely to procreate may be improved by selective sexual sterilization

Section 2 (a) Whenever the superintendent of a State or licensed institution for the mentally defective and two disinterested legally qualified physicians shall be of the opinion that it is for the best interest of an inmate of such institution and of society that such inmate shall be sexually sterilized such superintendent is hereby authorized to cause an operation for sterilization to be performed and to issue an authorization therefore in writing signed by such superintendent and the two disinterested physicians Provided that before any such operation is performed at least thirty days' written notice together with a copy of such written authorization shall be given by personal service upon the person alleged to be an imbecile or feeble-minded if above the age of ten years and upon the husband wife father mother child of full age sister brother or guardian or committee of such alleged mental defective

Section 3 All authorization shall be made in duplicate The one copy of institutional patients shall be filed with the superintendent of such institution and the other copy shall be filed in the Department of Welfare of this Commonwealth No such records shall be open to public inspection

Section 4 Any person upon whom an operation for sterilization has been authorized on his or her husband wife father mother child of full age brother sister or guardian or committee may within thirty days after such authorization appeal therefrom to the court of common pleas of the county where the State or licensed institution wherein the patient is detained is located or to the court of common pleas of the county from which the patient was committed or where he is a resident The petition for such appeal shall state briefly the nature of the objections and the grounds for the appeal After hearing upon such appeal the court may sustain modify or set aside the authorization

Section 5 Supreme Court Appeal Any order of sexual sterilization granted after due appeal may within three months after date be appealed to Supreme Court by any party of record in appeal in court of common pleas Such petition shall state briefly the nature of all previous proceedings and shall set forth the order or decision complained of and the grounds upon which the same is claimed to be unlawful or unreasonable upon which the petitioner shall reply in the Supreme Court The pendency of such appeal shall stay proceedings under order until the decision of the Supreme Court is made

Section 6 No superintendent of any institution physician or surgeon or other person performing any operation for sterilization or assisting or in any wise participating therein in accordance with the provisions of this act shall be liable in any civil action for damages or in any criminal prosecution or in any wise howsoever because thereof

Section 7 Any person or any physician violating any of the provisions of this act or performing any operation for the sterilization of a person except in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one thousand dollars ($1,000) or more than five thousand dollars ($5,000) or suffer imprisonment for not less than one year or more than two years or both and upon conviction of a second or subsequent offense shall be subject to the fine above provided and shall be imprisoned for not less than one year or more than two years

Section 8 The compensation of the consulting physicians and surgeons in the case of public charges shall be entrusted to the management of the several institutions and shall be paid out of the funds appropriated for the maintenance of such institutions

Section 9 All laws inconsistent with this act are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, before a motion is made to recommit this bill I would like to say that over twenty States have similar legislation, and that this applies only to mental defectives in institutions; it does not apply to criminals. It is in line with modern legislation, and votes against this bill are due either to ignorance or prejudice.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McCREESH. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. The amendments will be read for the information of the Senate.

The amendments were read as follows: amend page 3, line 9, by inserting after the word "defective" the following: "and further provided that no such operation shall be performed on any person unless it is thoroughly established in a court of competent jurisdiction that all of such person's direct ancestors, irrespective of their remoteness, were born within the territorial limits of the United States."

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recuring,

Will the Senate agree to the bill on third reading?

MOTION TO RECONSIDER SENATE BILL NO. 848

Mr. McCREESH. Mr. President, I move to reconsider the vote by which Senate Bill No. 848, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. McCREESH. Mr. President, I voted "aye".

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye".

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this bill is on third reading, in the first place.

The PRESIDENT. The bill did not pass third reading.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Philadelphia, Mr. McCreesh, to state the purpose of having the vote on second reading reconsidered, on this bill.

Mr. McCREESH. Mr. President, for the purpose of amendment.

Mr. SHAPIRO. Mr. President, is it to offer the same amendment which has just been refused unanimous consent?

Mr. McCREESH. Mr. President, yes.

Mr. SHAPIRO. Mr. President, the amendment just offered is simply an effort to ridicule a bill which, in my opinion, is a very important and serious matter. This bill was before this Senate for consideration, and was referred back from committee for the purpose of giving the Senator from Philadelphia, Mr. McCreesh, and other Senators, an opportunity to discuss it in committee; and after objections were made by one or two members of the committee this bill was reported out again.

This bill is of too serious a nature to permit ridicule or levity to defeat it. We are paying thousands of dollars for taking care of people in institutions who should not be in institutions but should be walking the streets. These gentlemen have the opportunity now to save a great deal of money to the people of Pennsylvania, and I hope the Senate will vote down this motion to reconsider the vote.

Mr. McCREESH. Mr. President, I object to the explanation of the bill made by the Senator from Philadelphia, Mr. Shapiro, for the simple reason that yesterday morning, around 7:30 or 8 o'clock, there was a hearing on this bill and I was not asked to the hearing, and I want to be at the next hearing if there is one.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, eighteen Senators voted in the affirmative, and twenty in the negative; whereupon the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McCREESH. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL RECOMMITTED

Mr. KAHLE. Mr. President, I move that this bill be recommitted to the Committee on Public Health for further study. This is a vicious bill. Just now I do not wish to go into a discussion on it, but I think this bill should go back to committee. It means a great deal to the people of Pennsylvania; and if the Senate will permit it to go back I think it will be a wise move. I move that it go back to the Committee on Public Health for further study.

Mr. REED (Washington). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I do not like to go into a general debate about this bill—

The PRESIDENT. The Chair calls attention to the fact that no general debate is permissible; it is just a question as to whether it is proper to recommit.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to know—and I am sure the rest of the members of the Senate would like to know—what is vicious about this bill.

Mr. KAHLE. Mr. President, this bill is one that pertains to a condition that exists in our State at the present time. We have in our institutions many people that are what we call feeble-minded, and the intention of this bill is to sterilize those people and turn them out to the public. The sponsors of this bill claim they will make good citizens, but it is not so. I contend that this bill,

if it passes—and those people are subjected to that operation, and they are turned out into our country—you are going to put the horse back of the cart; those people are in institutions for some reason, for some cause, and that cause was brought about not so much by inheritance but by disease and conditions that have arisen due to their fathers back to the third and fourth generation; and I say, if you prepare these people, these women—women that are over-developed along that line—those women will go into the country—and what will happen? They will, in a little while, fill our brothels, fill the road houses, and so forth and we know that disease to the human race will be spread all over our country. And in a little while what is going to happen? It does not make much difference to them, but it means this: Many innocent people will receive that disease, and their children and their grandchildren will have to suffer from the effect of this. That is the reaason I say it will cost this Commonwealth far less to keep those few there in those institutions than it will to sterilize them and turn them out, and, as I say, put the cart back of the horse. Let us follow the prevention that the medical profession has set up today—preventive and not curative; and let us prevent it by keeping those people there, and not allowing them to go about over this country to carry and spread that disease all over the State and permit humanity to suffer.

Mr. SHAUIRO. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle, further.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated further?

Mr. KAHLE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I do not want to make a speech, but to ask a question. Does the Senator from Clarion, Mr. Kahle, know that at the hearing held on this matter the physicians gave their approval to this bill, and the chiefs of the institutions made the statement that just because there are three generations of innocents in one institution, that is the purpose of this bill—to prevent three generations of innocents from going to such institutions in the future. Is the Senator from Clarion aware of that?

Mr. KAHLE. Mr. President, I say that the cause of those three generations going to those institutions is brought on by disease that has been transmitted. That is what I say, and I thing it would be far more wise to keep those people locked up where they are rather than to throw our country open to such a condition as this.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. McCREESH and Mr. KAHLE and were as follows, viz:

YEAS—29

Baumer,	Kahle,	Prince,	Rodgers,
Cavalcante,	Lanius,	Pytko,	Salus,
Coyne,	Law,	Rankin,	Sones,
Frey,	Mallery,	Reed,	Staudenmeier,
Graff,	McCreesh,	(Dauphin)	Thompson,
Harris,	McGinnis,	Reed,	(Centre)
Homsher,	Miller,	(Washington)	Trainer,
Huffman,	Pierson,	Roberts,	Ziesenheim,

NAYS—17

Aron,	Clark,	Owlett,	Sordoni,
Batchelor,	Ealy,	Rice,	Thompson,
Bean,	Gelder,	Rupp,	(Westmoreland)
Buckman,	Hunsicker,	Shapiro,	Woodward,
Chapman,	McClure,		

So the question was determined in the affirmative.

BILLS OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 912 (House Bill No. 1588) on third reading, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 913 (House Bill No. 1589) on third reading, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 914 (House Bill No. 1590) on third reading, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 915 (House Bill No. 1592) on third reading, entitled:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 916 (House Bill No. 1596) on third reading, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compenation from the Fish Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 917 (House Bill No. 1597) on third reading, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes'

Retirement System with respect to State employes receiving compensation from the Game Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 918 (House Bill No. 1599) on third reading, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 919 (House Bill No. 1606) on third reading, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirment System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 920 (House Bill No. 1607) on third reading, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of costs incurred by that Department in acting as purchasing agent for the Department of Highways

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 926 (House Bill No. 1879), entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1147, entitled:

An Act to amend sub-heading (a) of Article XXXII of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the collection of taxes by assumpsit.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1172, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelof,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,

Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—1

Prince,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1257 (House Bill No. 2067), entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defects epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental, patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties".

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 1311 (House Bill No. 2139), on third reading, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1323 (House Bill No. 292), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1328 (House Bill No. 1595), entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1329 (House Bill No. 1896), entitled:

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1392, entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, qualifying additional securities as acceptable for the securing of State deposits.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1422 (House Bill No. 2661), entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax for a limited period of time clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RUPP. Mr. President, I ask that the roll be verified.

The roll was verified and was as follows:

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—15

Cavalcante,	Law,	Reed, (Dauphin)	Rodgers,
Ealy,	McCreesh,	Rupp,	
Frey,	McGinnis,	Reed, (Washington)	Sordoni,
Harris,	Pytko,	Trainer,	
		Woodward,	

NAYS—33

Aron,	Gelder,	Mallery,	Shapiro,
Batchelor,	Graff,	McClure,	Sones,
Baumer,	Harvey,	Miller,	Staudenmeier,
Bean,	Homsher,	Owlett,	Thompson, (Centre)
Bennett,	Howell,	Pierson,	
Buckman,	Huffman,	Prince,	Thompson, (Westmoreland)
Chapman,	Hunsicker,	Rankin,	
Clark,	Kahle,	Rice,	Ziesenheim,
Coyne,	Lanius,	Roberts,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1448 (House Bill No. 2586), entitled:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the permit of redemption to five years where land has been or is hereafter purchased by the county.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1483, entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1518, on third reading, entitled:

An Act to amend section one of the act approved the twenty-third day of April one thousand nine hundred and nine (P. L. 159) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken

go over in its order.

The PRESIDENT. Is there objection?

Mr. STAUDENMEIER. Mr. President, I desire to interrogate the sponsor of this bill, the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I would like to have the Senator from Monroe, Mr. Huffman, explain to

the Senate just what situation or set of facts he has in mind that this bill will cure. It is Senate Bill No. 1518.

Mr. HUFFMAN. Mr. President, I do not have any set of facts in mind. I introduced the bill by request. However, a defendant at the present time in possession of stolen goods cannot be convicted of having the goods unless it is proven that he knew the goods were stolen. This bill modifies that, that he had reasonable cause to know they were stolen, and that may go to the jury.

Mr. STAUDENMEIER. Mr. President, and members of the Senate: I am very much afraid of the thought that the Senator from Monroe, Mr. Huffman, has as to the defect in the criminal code. If this were correct, it would, in many cases, cause many men who are innocent to go to jail. Under this code, any person who had any goods, chattels, moneys or securities in his possession, even though he may have paid a bona fide consideration for the same, the court might properly, if it were shown that goods and chattels—the court may very properly leave that question of fact as to whether the party was found in possession of the goods or chattels, and had reasonable cause to know that the goods and chattels or securities were stolen, and surely I do not think that the Senator from Monroe intended that to occur, unless there is some language which would clarify this amendment. I think the amendment should be voted down, because I think the burden is placed upon the man or person, the defendant who has in his or her possession goods, merchandise or securities that they may have paid good consideration for. The burden is placed upon the defendant to show that he had not reasonable cause to believe that the articles in turn were stolen.

I am not talking from the viewpoint of the defendant's attorney, but on the other hand, I do not think the District Attorneys' Association would want a bill of this type passed, because it places an unfair burden upon a man who may happen to have in his possession goods and chattels, moneys or securities that he paid an honest and valuable consideration for. Hence, I would ask that the bill go over in order, be recommitted, or defeated on the floor of the Senate.

Mr. LAW. Mr. President, I would like to interrogate the sponsor of this bill, the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. LAW. Mr. President, would the Senator from Monroe, Mr. Huffman, object to this bill if it were amended so that in addition to the defendant having reason to believe that the property might have been stolen, that if the defendant refused to return the property upon demand or proof of ownership, which I think would protect the question raised by the Senator from Schuylkill, Mr. Staudenmeier. If so, I would like to have this bill go over in order, in order that such amendment might be prepared.

Mr. HUFFMAN. Mr. President, it has been requested that the bill go over in order, and I have no objection to that. After all, the bill is primarily to correct the law with respect to the stealing of automobiles, because we find in the courts it is very hard to convict thieves of stealing automobiles, and this is really the purpose of the bill, to catch that class of criminals. It is satisfactory to me to have this bill go over in order.

Mr. LAW. Mr. President, I ask that the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. EALY. Mr. President, I move that Senate Bill No. 1532, on third reading, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act

be recommitted to the Committee on County Government.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1542, entitled:

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1584, on third reading, entitled:

An Act authorizing the State Treasurer with the approval of the Governor to transfer money from the Motor License Fund to the General Fund and providing for the subsequent transfer from the General Fund to the Motor License Fund at the discretion of the Governor of the transferred moneys and making appropriations necessary to carry this act into effect

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1585, on third reading, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 6) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1586, on third reading, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 7) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1587, on third reading, entitled:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 8) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1589 on third reading, entitled:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1591 on third reading, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1592 on third reading, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App, Acts, Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1593 on third reading, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1594 on third reading, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 10-A) entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1595 on third reading, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for subsequent return from the General Fund of the transferred money" by extending the time for repayment of the amounts transferred

be recommitted to the Committee on Finance.

Mr. BENNETT. Mr. President, I second the motion.
The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1598, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May

one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1601, entitled:

An Act authorizing the payment of certain states taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend sec. 2, page 2, line 13, by inserting after the figure "(4%)" the following: "per annum"; amend sec. 2, page 2, line 13, by inserting after the word "paid" the following: "which discount shall be calculated from the date of the advance payment of the tax to the date such taxes actually become due as ascertained by reference to the date when such taxes are actually settled and the time allowed by law for payment after settlement"; amend sec. 3, page 2, lines 14 and 15, by striking out the words "less a discount of four per centum (4%)"; amend sec. 4, page 3, line 1, by striking out the word "on" and insert in lieu thereof "or"; amend sec. 4, page 3, lines 10 and 11, by striking out the words "less the discount of four per centum (4%) allowed by this act"; amend sec. 4, page 3, line 14, by striking out the words "less discount"; amend sec. 4, page 3, lines 18 and 19, by striking out the words "and without the deduction of the discount allowed"; amend sec. 4, page 3, line 25, by striking out the words "the discount allowed"; amend sec. 4, page 3, line 26, by inserting after the word "department" the following: "At the time a corporation finally pays any balance due on any taxes on which an advance payment was made, the discount for the advance payment shall be allowed by the Department of Revenue and be deducted from the balance due by the corporation"; amend sec. 5, page 4, line 1, by inserting after the word "due" the following: "after the deduction of the discount allowed by this act".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1602, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I ask unanimous consent to amend sec. 2, page 2, line 21, by inserting after the word "taxes" the following: "or such increased taxes as the case may be"; amend sec. 2, page 2, line 22, by striking out the words "less a discount"; amend sec. 2, page 2, lines 24 and 25, by striking out the words "if paid on or before the times specified in section three of this act" and insert in lieu thereof: "and be entitled to receive a discount of four per centum (4%) per annum on the amount so paid, which discount shall be calculated from the date of the advance payment to the date when such taxes actually become due as ascertained by reference to the date when such taxes are actually settled and the time allowed by law for payment after settlement or the date fixed by law for payment as the case may be"; amend sec. 3, page 3, line 1, by striking out the words "(a) Taxes or any portion thereof" and insert in lieu thereof: "Such advance payments of taxes may be made on any of said taxes to become due and"; amend sec. 3, page 3, line 1, by inserting after the word "payable" the following: "(a)"; amend sec. 3, page 3, line 8, by striking out the words "shall if paid on account into"; amend sec. 3, page 3, lines 9, 10 and 11, by striking out all of said lines; amend sec. 3, page 3, line 12, by striking out the words "half per centum (3½%)"; amend sec. 3, page 3, line 12, by striking out the words "those payable"; amend sec. 3, page 3, lines 17 to 20, by striking out all of said lines, both inclusive; amend sec. 3, page 3, line 21, by striking out the words "(b) Taxes or any portion thereof payable" and insert in lieu thereof: "(b)"; amend sec. 3, page 3, lines 28 and 29, by striking out the words "shall if paid on account into the State Treasury through the Department of Revenue on or"; amend sec. 3, page 4, lines 1 and 2, by striking out all of said lines; amend sec. 3, page 4, lines 1 and 2, by striking out all of said lines; amend sec. 3, page 4, line 3, by striking out the words "centum (3½%)"; amend sec. 3, page 4, line 3, by striking out the words "those payable"; amend sec. 3, page 4, line 7, by striking out the words "shall if paid on"; amend sec. 3, page 4, lines 8, 9 and 10, by striking out all

of said lines; amend sec. 3, page 4, line 11, by striking out the words "five per centum (5%)"; amend sec. 3, page 4, line 12, by striking out the words "(c) In the case of corporations liable to an" and insert in lieu thereof: "and (c) on the"; amend sec. 3, page 4, lines 15, 16 and 17, by striking out the words "the taxes or any portion thereof shall, if paid on account within the time specified hereinafter be subject to the following discounts"; amend sec. 3, page 4, lines 18 and 19, by striking out the words "(1) If the increased tax of six mills or any part thereof payable"; amend sec. 3, page 4, line 20, by striking out the words "is paid on account"; amend sec. 3, page 4, lines 21, 22 and 23, by striking out all of said lines; amend sec. 3, page 4, lines 24 and 25, by striking out the words "(2) If the increased tax of six mills or any part thereof payable on reports filed as of"; amend sec. 3, page 4, line 26, by striking out the words "is paid on account into"; amend sec. 3, page 4, lines 27 and 28, by striking out all of said lines; amend sec. 3, page 5, lines 1 and 2, by striking out all of said lines; amend sec. 3, page 5, lines 3 and 4, by striking out the words "(3) If the increased tax of six mills or any parts thereof payable on reports filed as of" and insert in lieu thereof: "and"; amend sec. 3, page 5, line 5, by striking out the words "is paid on account"; amend sec. 3, page 5, lines 6, 7 and 8, by striking out all of said lines; amend sec. 4, page 5, line 15, by inserting after the word "Revenue" the following: "on or before December fifteenth, one thousand nine hundred and thirty-five"; amend sec. 4, page 5, lines 17 and 18, by striking out the words "within the times herein specified less the amount of discount allowed by this act"; amend sec. 4, page 5, line 21, by striking out the words "less discount"; amend sec. 4, page 5, line 25, by striking out the words "without deduction of the discount allowed"; amend sec. 4, page 6, line 4, by striking out the words "the discount allowed"; amend sec. 5, page 6, line 4, by inserting after the word "established" the following: "At the time the corporation finally pays any balance due on any taxes on which an advance payment was made, the discount for the advance payment shall be allowed by the Department of Revenue and be deducted from the balance due by the corporation"; amend sec. 5, page 6, line 8, by inserting after the word "due" the following: "after the deduction of the discount allowed by this act"; amend sec. 5, page 6, line 15, by striking out the figure "5" and insert in lieu thereof: "6".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. MILLER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northumberland, Mr. Miller, will state his question of personal privilege.

Mr. MILLER. Mr. President, yesterday when the motion was made to dismiss the Committee on Judiciary Special from consideration of Senate Bills Nos. 218 and 219, I was unavoidably detained at Mr. Fertig's office. I was not present here, and I wish to state at this time that this is the first vote that I ever missed on a labor measure. If I would have been present, I would have voted "aye" in both cases to dismiss this Committee.

BILL INTRODUCED

Mr. CAVALCANTE and Mr. THOMPSON (Centre).

Mr. PRESIDENT, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE read in place and presented to the Chair, Senate Bill No. 1624, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by limiting the amount of tax that may be levied by any school district, except in certain cases; and requiring the Commonwealth to pay the full amount of all minimum salaries and increments of all members of the teaching and supervisory staffs in all school districts.

Which was committed to the Committee on Education.

QUESTION OF PERSONAL PRIVILEGE

Mr. ROBERTS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northampton, Mr. Roberts, will state his question of personal privilege.

Mr. ROBERTS. Mr. President, in the various committees of the Senate there are slumbering many bills, those bills that should have the consideration of the entire body, and in order that these bills, which are measures in which many people of the State are interested, I purpose to present a motion which I will now read: Mr. President, I now move that the Committee on Judiciary General be now discharged from further consideration of Senate Bill No. 595 (House No. 1215), so that the same may be returned to the Senate floor for first reading and constitutional consideration by the members of this body. The bill that I have in mind at this particular time is the Eberharter Wage Collection Bill.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RICE and Mr. ROBERTS and were as follows, viz:

YEAS—23

Baumer,	Law,	Reed,	Sones,
Cavalcante,	McCreesh,	(Washington)	Thompson,
Frey,	McGinnis,	Rice,	(Centre)
Harris,	Miller,	Roberts,	Thompson,
Huffman,	Pytko,	Rodgers,	(Westmoreland)
Kahle,	Rankin,	Rupp,	Trainer,
Lanius,		Shapiro,	

NAYS—25

Aron,	Ealy,	Hunsicker,	Reed,
Batchelor,	Gelder,	Mallery,	(Dauphin)
Bean,	Graff,	McClure,	Salus,
Buckman,	Harvey,	Owlett,	Sordoni,
Chapman,	Homsher,	Pierson,	Staudenmeier,
Clark,	Howell,	Prince,	Woodward,
Coyne,			Ziesenheim,

So the question was determined in the negative.

REPORTS FROM COMMITTEE

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on State Government reported as committed, Senate Bill No. 1620, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, several months ago there came to this Senate from the House of Representatives a bill intended to establish a better relationship between employers and employees in this Commonwealth. The bill was aimed at correcting the abuses that had been prevalent in making disputes for many years, and that bill has since it came over to this Senate been snugly reposing in the Judiciary General Committee. Because that bill has been here for a long time without any action on it, Mr. President, I now move that the Committee on Judiciary General be discharged from further consideration of Senate Bill No. 1156 (House Bill No. 1227), so that the same may be returned to this Senate floor for the first reading and constitutional consideration by the members of this body. This bill is the "anti-injunction" bill.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, always.

Mr. SHAPIRO. Mr. President, I would like to ask the Senator from Fayette, Mr. Cavalcante, if it is not true that this bill is not exactly the same as the Federal "anti-injuction" bill?

Mr. CAVALCANTE. Mr. President, yes; in fact it is practically almost word for word.

Mr. BUCKMAN. Mr. President, as Chairman of the Committee on Judiciary General, I would like to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I always do by my good friends.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Fayette, Mr. Cavalcante, whether or not he or any of his colleagues ever asked the Chairman of the Committee on Judiciary General to take up consideration of this bill.

Mr. CAVALCANTE. Mr. President, I may speak for myself. I cannot speak for my colleagues. I did not, sir, —thinking that on a bill in committee for over two months, as you know, something ought to be done with it.

Mr. OWLETT. Mr. President, I would like to interrogate the Chairman of the Judiciary General Committee, the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Bucks, Mr. Buckman, whether this bill has ever been called up by any of the members of this Committee.

Mr. BUCKMAN. Mr. President, to my knowledge it has never been called to my attention.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to ask if the Senator from Bucks, Mr. Buckman, if he will hold a meeting of the Judiciary General Committee to consider this bill.

Mr. BUCKMAN. Mr. President, I am always willing to hold a meeting to consider any bill on any question from any Senator on this floor.

Mr. SHAPIRO. Mr. President, I would like to ask if the Chairman of the Judiciary General Committee, the Senator from Bucks, Mr. Buckman, will hold a meeting today or tomorrow on this bill.

Mr. BUCKMAN. Mr. President, I would not like to say that; I will surely hold it on Monday. We have a great many bills in committee. This is a House bill, and, Mr. President, that would be ample time.

Mr. SHAPIRO. Mr. President, will the Senator from Bucks, Mr. Buckman, say that he will hold a meeting not later than Monday?

Mr. BUCKMAN. Mr. President, not later than Monday.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, certainly.

Mr. CAVALCANTE. Mr. President, I do not ask this question for the purpose so that it may be intended as a club or anything, and I will withdraw my motion at this time if the Chairman of the Judiciary General Committee will have his hearing Monday on the bill and agree to report it out.

Mr. BUCKMAN. Mr. President, under the circumstances I am not willing to so agree. I mean that a motion has been made without consultation with the Chairman. The motion is now pending before the Senate, and I see no reason why the Senate should not dispose of it.

Mr. CAVALCANTE. Mr. President, I would like to ask the Chairman of that Committee whether he knows what bills are in his committee.

Mr. BUCKMAN. Mr. President, I surely know the bills that are in my committee. I do not propose to know what is in every bill, but when they are brought to my attention, consideration is given to them as promptly as possible under the circumstances existing at this Session of the Legislature.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Bucks, Mr. Buckman, whether he has a Calendar of the bills referred to his committee.

Mr. BUCKMAN. Mr. President, I certainly have.

Mr. CAVALCANTE. Mr. President, since my colleagues are interested in this bill and they would like to see the bill get a fair show, I think I can readily endorse the integrity of the Senator from Bucks, Mr. Buckman, in his answer to my colleague from Philadelphia that he will hold a meeting. I, therefore, withdraw my motion at this time, if the seconder will agree to it.

Mr. MILLER. Mr. President, I agree.

The PRESIDENT. The motion is withdrawn.

REPORTS FROM COMMITTEE

Mr. McCLURE. Mr. President. I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Municipal Government reported as committed, Senate Bill No. 796 (House Bill No. 1478), entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 795 (House Bill No. 1462), entitled:

An Act to amend sections one thousand nine hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts and to contribute to pension and retirement funds

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 785 (House Bill No. 401), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as amended extending the provisions of said act to townships of the first class

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 750 (House Bill No. 1614), entitled:

An Act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 506 (House Bill No. 795), entitled:

An Act to amend section eight hundred eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended limiting the provisions of the section to township funds.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 494 (House Bill No. 170), entitled:

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or carried over from any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 906 (House Bill No. 976), entitled:

An Act to amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provision for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 980 (House Bill No. 1340), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned.

Also from the Committee on Municipal Government, reported as amended, Senate Bill No. 799 (House Bill No. 1070), entitled:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising and consolidating and changing the law relating thereto" requiring one year's residence in the ward for the commissioner elected from a ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts.

BILL ON THIRD READING

Mr. HUFFMAN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1311 (House Bill No. 2139) on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private

bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business

Mr. LAW. Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1311 (House Bill No. 2139) as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of all the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 806 Section 808 Section 1404 and Section 1406 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended are hereby amended to read as follows and that Section 204 of that act as last amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C Any institution may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution [in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act] may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the Department (1) establish a branch bank branch office agency sub-office sub-agency or branch place of business within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to the plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county

other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as is equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand nor more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

E An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this section if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 806 Advertisement [The] A Except as herein otherwise provided the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [and].

B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(5) The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not in-

jurious to the community and in accordance with the purposes of the articles of incorporation

E (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

Section 1404 Advertisement [The] A Except as herein otherwise provided the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [and].

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file artcles of merger or articles of consolidation as the case may be with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or articles of consolidation with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6) The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office subagency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office subagency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its acton If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger or the articles of consolidation it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merge or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 2 Effective Date This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COYNE. Mr. President, I move that action on this bill be postponed.

Mr. BATCHELOR. Mr. President, I second the motion.

Mr. SORDONI. Mr. President, I object to this motion for the simple reason that this is a bill that has been agreed upon unanimously by the bankers of the State of Pennsylvania. The Banking Committee reported it out, the Banking Commissioner of the State agrees that it is important that it be passed. I ask the Senate to vote down this motion, and then when the bill is under consideration I shall make some explanation of the bill. This bill should be passed at this time, as it is very important; it is more important possibly than some of the people, I think, realize.

Mr. SHAPIRO. Mr. President, I am afraid there is a misunderstanding about this bill. This bill does permit branch banking. It permits banking only with the consent of the Board which has been created by a bill already passed with the consent of the Banking Board and set up in the new bill. Under these circumstances, I do not think action on this bill should be postponed.

Mr. COYNE. Mr. President, my purpose in making this motion is at the request of bankers. They are not satisfied with this bill, so all the bankers in the State of Pennsylvania are not satisfied with the bill. It limits the loan of banks to ten per cent., banks that have always loaned as high as twenty-five or thirty per cent. If permitted, they would like to have those loans up to twenty-five per cent. instead of ten per cent.

Mr. SORDONI. Mr. President, I beg to differ with the Senator from Allegheny, Mr. Coyne. This is not the bill on the limitation of loans, this is the "branch bank" bill. Mr. President, I am sorry, but this is not the bill that the Senator refers to.

Mr. COYNE. Mr. President, it also puts a limit on branch banking. We have a condition in the City of Pittsburgh where, if it were not for the branch banks in some of the communities, they would have trouble in those communities where they are located.

Mr. SORDONI. Mr. President, in the Session of 1933, the same interests that the Senator from Allegheny, Mr. Coyne, speaks of now defeated the branch bank bills, and in the Session of 1934, these same people came to us and requested that we make some provisions for them, which we did. This bill gives other people besides the banks in the first and second-class cities and first-class townships contiguous to first-class cities some authority. I am sorry to say that I do not think the Senator from Allegheny, Mr. Coyne, understands the provisions of the bill, and I am asking that this motion be voted down and then vote to pass the bill.

Mr. BATCHELOR. Mr. President, I highly disagree with some of the remarks of my colleague, Mr. Sordoni. In my opinion this is one of the worst bills introduced

in the Senate this Session of the Senate. This is like the camel which gets his head in the flap of a tent and does not end until he gets himself into the tent and the occupant of the tent has to get out. We have been able to defeat branch bank bills in this Senate, it has been said, for two Sessions, and I want to read a telegram I have here, passed by the Pennsylvania Bankers Convention:

"Pennsylvania Bankers Convention in closing minutes with only half delegates present half heartedly approved legislative committees report on branch banking, with promises that it fully protected unit banks. Great resentment against this bill."

I want to very heartily support the motion of my colleague from Allegheny, Mr. Coyne. I hope that the bill will be sent back to Committee, so that the bankers of Pennsylvania will have an opportunity to be heard.

Mr. COYNE. Mr. President, after the meeting on Monday or Tuesday, when these people appear, if the Senators feel like calling the bill up and passing it, I have no objection, but I think they ought to be given a hearing on this bill. That is my objection to action now. I am no banker and I do not care what you do with it.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be interrogated.

Mr. SORDONI. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I understood the Senator from Luzerne, Mr. Sordoni, who is Chairman of the Committee on Banking, to say that this bill should be passed today. I would like him to say to me and the Senate what harm would come in deferring final action on this bill until next Monday night.

Mr. SORDONI. Mr. President, I said that it is very important that this bill be passed as promptly as possible. I did not say that it was important to pass it today. The Senator from Allegheny, Mr. Coyne, did not ask the Committee to postpone action on this bill when it was taken out of Committee. He was present when action was taken and voted with the Committee to report it out.

Mr. COYNE. Mr. President, no, I was not.

Mr. BUCKMAN. Mr. President, I would like to further interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be further interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I now ask the Senator from Luzerne, Mr. Sordoni, whether or not, in his opinion, any harm would come to the banking interests of Pennsylvania if final action were delayed on this bill until next Monday night.

Mr. SORDONI. Mr. President, I ask for a few minutes until I may ask Mr. Harr, the Secretary of Banking, who was present at our meeting.

The PRESIDENT. The request of the Senator from Luzerne, Mr. Sordoni, is granted.

Mr. SORDONI. Mr. President. I talked over the question of delaying final action on this bill until Monday with Dr. Harr, Secretary of Banking, and, realizing the importance of this measure and appreciating the fact that possibly some people do not understand it, and feeling sure that those who do not understand it, by proper discussion and questioning and reading the bill, then finally understanding that it is proper legislation.

BILL OVER IN ORDER

Mr. SORDONI. Mr. President, I ask that it go over in its order, and we will at this time ask for a public hearing to be held next Monday afternoon, at five o'clock.

REPORTS FROM COMMITTEES

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1608, entitled:

An Act to amend article fifteen of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by permitting such townships to establish special districts for the construction, operation and maintenance of drains and sanitary sewers, to assess costs of construction, operation and maintenance upon the properties benefited to issue bonds secured by municipal liens on such properties and to levy and collect taxes for the payment of principal and interest on indebtedness and for the meeting of costs of maintenance and operation from sewer rentals.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1607, entitled:

An Act to amend section one thousand and twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges in boroughs.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1605, entitled:

An Act to further amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of

improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by excluding diversion of traffic as an element of damage.

Also from the Committee on Highways reported as committed, Senate Bill No. 1606, entitled:

An Act to amend section five hundred and fourteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by excluding diversion of traffic as an element of damage where county roads are relocated.

Also from the Committee on Highways reported as committed, Senate Bill No. 1613 (House Bill No. 1837) entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and adding certain new routes.

Also from the Committee on Highways reported as committed, Senate Bill No. 1622, entitled:

An Act to amend the title of, and the act, approved the first day of June, one thousand nine hundred and thirty-one (P. L. 301), entitled "An act providing for the acquisition, construction, improvement, operation, and maintenance of bridges over rivers and navigable waters within the Commonwealth; authorizing the issuance of bridge revenue bonds, free from taxation and payable solely from bridge earnings, to pay the cost of such bridges and improvements thereof; providing for the collection of bridge tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the bridges; constituting such bonds legal investments in certain instances; prescribing conditions upon which such bridges shall become free bridges; conferring powers and imposing duties on the State Bridge Commission; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," by extending the provisions thereof to tunnels for highway purposes.

Mr. HUNSICKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUNSICKER from the Committee on Banking reported as amended, Senate Bill No. 1407 (House Bill No. 2318) entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commission and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and providing for the approval of a plan of merger without action of the shareholders of the surviving association.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry reported as amended, Senate Bill No. 1459, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits; increasing medical and hospital benefits; making changes in the definition of wages"; providing compensation for accidents arising out of and in the course of employment; regulating proof in hernia cases; further defining dependency as to widows; extending the time for the commencement of proceedings to recover compensation in certain cases; providing for autopsies in cases of death from injury; further regulating the review modification, reinstatement, suspension and termination of original and supplemental agreements and awards; requiring employers to pay the compensation of physicians, surgeons and experts appointed by the board or referees to make examinations, providing that final receipts for compensation shall be conclusive after two years, further defining the jurisdiction and powers of the referees, board and courts of common pleas; and repealing section four hundred and twenty-six of said act.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Labor and Industry reported as committed, Senate Bill No. 1100 (House Bill No. 2116) entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" removing the exemptions set forth in certain cases.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

DELAWARE COUNTY

Jos. F. Kestner, Chester.
Mrs. Dorothy F. Manwiller, Yeadon.

JEFFERSON COUNTY

Herbert D. Frank, Jr., Punxsutawney.

LEHIGH COUNTY

Mrs. Ada G. Heim, Allentown.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Mr. SORDONI. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 273, on second reading, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption; providing protection of water supply; providing for the jurisdiction of courts and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption providing protection of water supply providing for the jurisdiction of courts and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

ARTICLE I

GENERAL PROVISIONS AND PUBLIC POLICY

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the word "sewage" as used in this act shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

The words "industrial waste" as used in this act shall be construed to mean any liquid or solid substance not sewage resulting from any manufacturing or industry

The words "waters of the Commonwealth" as used in this act shall be construed to include any and all rivers streams creeks rivulets lakes damned water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

The word "pollution" as used in this act shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for industrial purposes or for recreation

The word "establishment" as used in this act shall be construed to include any mill factory tannery paper or pulp mill industrial establishment garage refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

The word "institution" shall include healing preventative mental health correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivisions thereof and whose sewage is not admitted to a public sewer system

The word "municipality" or "municipal" as used in this act shall be construed to include any county county authority city borough town township school district and institution as above defined

The word "person" as used in this act shall be construed to include any person copartnership association or private corporation

The word "Board" as used in this act shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the waters of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for industrial consumption is hereby declared not to be a reasonable

or natural use of such waters to be against public policy and to be a public nuisance

ARTICLE II

SEWAGE POLLUTION

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for industrial consumption and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the public authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceedeing one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the proceeding provisions of this act or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dollars for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the public authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the public authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for industrial consumption stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorded of deeds for the county therein the outlet of said sewer system is located And in case the municipality or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and relevant Data by the Sanitary Water Board All plans designed and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being served personally on or by registered mail addressed to the last known post office address of the public authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any

waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit is hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

ARTICLE III

INDUSTRIAL WASTES

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the discharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for industrial purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for industrial consumption shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the State shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it a violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the waters of the Commonwealth by industrial waste Its agents may enter upon lands buildings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when dischargd into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for industrial purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpollutd and free from any authorized discharge or drainage of sewage or industrial waste but the Sanitary Water Board may permit discharge into such waters sewage that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Reopened in the Future No person shall hereafter erect construct or open or reopen or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for industrial purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for industrial purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of industrial waste into the clean waters of the State as above defined Public notice of every application for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addressed to the last known post office address of the holder of the same and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the works are constructed or erected Any such construction or erection which has not been approved by the Board by written permit or any treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to discharge any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court

of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 310 The provisions of this article shall not apply to water discharged from coal mines in active operation at the time of the adoption of this act

ARTICLE IV

PETTY POLLUTIONS

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosive or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offense

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for industrial purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosive for engineering purposes when a written permit has been given therefor by proper national state or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

ARTICLE V

DOMESTIC WATER SUPPLIES

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering hte same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

ARTICLE VI

PROCEDURE

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceedings may be prosecuted in the Court of Common Pleas of Dauphin County or in the court of common pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendant in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occurred or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to that end jurisdiction is hereby conferred upon said

magistrate alderman or justices of the peace subject to appeal by either party in the manner provided by general law In the case of any appeal from any such conviction in the manner provided by general law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any alleged source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offense complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for industrial purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge of industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for industrial purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provision of law repealed by this act shall continue in force with the same effect as if such law had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

ARTICLE VII

SCOPE AND PURPOSE

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or legal representative of a municipality from proceeding in courts of law or equity to abate pollution forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights under the common law or decisional law or in equity from proceedings in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

ARTICLE VIII

REPEALER

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SORDONI. Mr. President and members of the Senate: This is a very important piece of legislation. I have a terrific headache, my eyes are bad, and I ask your indulgence for a few moments to please be as quiet as possible.

In reference to Senate Bill No. 273, which has been introduced in the Senate by my good friend, the Hon. Benjamin H. Thompson, of Westmoreland County, I am going to ask at the conclusion of my remarks that this bill be returned to committee for further study and amendments.

My reason for so doing is, in its present form, this bill should be called, instead of the Stream Pollution Bill, the Industrial Dissolution Bill, for if this bill were to be enacted into law, and put into operation as such, Pennsylvania will no longer enjoy the industrial power it has had until now, but will become a paradise of pure water in which are dissolved factories mingling with atoms of dissolved oxygen of which our fish and fishermen are so fond.

Mr. President and Gentlemen of the Senate, Pennsylvania has many miles of stream, but for every mile of stream we have, Canada has more than 100 miles, but on the banks of Canada's streams there are no factories, simply virgin timber land and unused prairies—and very few towns and cities. It is a physical, as well as a financial impossibility for industrial Pennsylvania to live under the provisions of this bill, as it is now written, and if you want to throw thousands of additional men out of employment and millions of dollars of capital into bankruptcy, in order to make a few fishermen happy, then vote against my motion, but if you are the men that I think you are, namely; interested in giving our industries a chance to continue to serve humanity and keep men employed, and families happy and contented, then you

will vote with me to return this bill to committee for further study and amusement.

Section 310, page 15, line 20, states, "That the provisions of this article shall not apply to water discharged from coal mines in active operation at the time of the adoption of this act."

Gentlemen, consider for a moment how confusing this provision is. How simple it would be, if there was a strike, or suspension of operation for any reason in any anthracite or bituminous coal mine in the State of Pennsylvania to immediately thereafter enforce the provisions of this Act, which would make it impossible for any mine to re-open, and would throw hundreds of thousands of people out of employment and the dissipation of billions, not thousands or millions, but billions of dollars of capital into bankruptcy, and also under the interpretation of this section, no new mines could ever be opened in Pennsylvania.

Leaving industrial Pennsylvania for a minute and going to the question of our municipalities. In Section 202, page 4, line 10, you will find the following:

"Any municipality discharging sewage from any sewer owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April, one thousand nine hundred and five, or whether such continued discharge has been by virtue of, or without a permit, issued by the Secretary of Health, the Commissioner of Health, or the Sanitary Water Board in accordance with the provisions of the Act approved the twenty-second day of April, one thousand nine hundred and five, shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the ORDER OF THE BOARD.

My experience with laws has taught me to be more concerned with the authorities upon whom depend the enforcement of the law, rather than with the laws themselves. Common sense and good judgment in enforcement can and has been used in the betterment of the industries, and communities involved, poor judgment, misplaced enthusiasm, or an officious attitude on the part of some authorities, have, in many instances, created great injustices, and in this particular instance, would cause practically every community in the State of Pennsylvania to put in sewage disposal plants anytime the Board may deem it necessary, which in turn, would bankrupt many communities.

If this bill is passed, it would be an efficient lieutenant to deplete the State of Pennsylvania or much of its vital revenue, and life's sustaining property, and would put a further burden upon real estate in the form of taxation that would be impossible to bear. Pennsylvania would become a brother in misery to Massachusetts, a vivid example of industrial suppression, and a nephew to Arizona, which is larger in size than Pennsylvania, with absolutely no development taking place, as evidenced by the fact that it has less than 100,000 inhabitants.

Mr. President and Gentlemen of the Senate, this bill, in its present form, is vicious to the extreme. I realize that all here are interested in fishermen, and that the Isaac Walton League is exceedingly influential on the question of votes, and I, personally, respect their power, and in many instances their enthusiasm in connection with stream pollution, but I realize further that many members of the Isaac Walton League, and other sport organizations, who do not understand the provisions of this bill as it refers to industry and our municipalities, and would be apt to vote against our returning to the Senate unless the provisions of this bill were explained to them, but upon proper explanation, I am sure they would feel, as I do, that the matter is too important to permit this bill to go through in its present form.

Mr. President and Gentlemen of the Senate, twenty years from now many of us will be dead, and forgotten, but the provisions of this bill, if enacted into law, will be the beginning of the downfall of Pennsylvania's industries, and will do more to destroy the wealth of this State than any other one thing that can be done. Whether or not, you or I, in the conscientious discharge of our duties, are permitted to return to the Senate, is of no importance, but it is important that we so conduct ourselves in our voting, and in our attitude on important questions that we pay attention to the welfare of Pennsylvania, and not vote for any political advantage.

Gentlemen, I ask in all sincerity that you return this bill to committee for amendment and further study, because I feel that it is the most vicious piece of legislation before us and will do more harm than you may realize without careful study of the provisions therein.

BILLS RECOMMITTED

Therefore, I move that this bill be recommitted for further study and amendment.

Mr. HOWELL. Mr. President, I second the motion.

On the motion,

Will the Senate agree to the motion?

Mr. THOMPSON (Westmoreland). Mr. President, I would like to interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. THOMPSON (Westmoreland). Mr. President, the Senator from Luzerne, Mr. Sordoni, has stated that he would like to have this bill recommitted for the purpose of study and amendment. I would like to ask the Senator if he has ever proposed any amendments to this bill.

Mr. SORDONI. Mr. President, no, I have not. I was led to believe that it was never going to be referred to the floor of this Senate to put us on the spot on the question of antagonizing some of the fishermen, but I say in all sincerity that if it were the last act that I ever did as a Senator, I would vigerously oppose this bill, because we are interested, and have to be interested, in the industries of our State, rather than in the question of catching a few fish. If the Fish Commissioner of this State would adequately take care of and stock the pure streams where there are no industries discharging pollution of any description, or any sewage, if they would adequately stock these streams, we would have more fishermen in this State by thousands than we have at the present time, and I ask the members of this Senate to vote this back into committee.

Mr. THOMPSON (Westmoreland). Mr. President, I would like to further interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be further interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. THOMPSON (Westmoreland). Mr. President, I would like to ask the Senator if the purpose then is not for amendment; but to kill it, as I understand it.

Mr. SORDONI. Mr. President, I might say that it should be sent back to committee for further study and amendment. It is not my intention to put the bill back to kill it. I wish it were killed, yes, I have no hesitancy in saying it, because I never have and I never shall be interested in the question of votes versus proper legislation. I ask the members of this Senate to put this back into committee for careful study and amendment, if a proper amendment can be put forth.

Mr. THOMPSON (Westmoreland). I would like to further interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be further interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. THOMPSON (Westmoreland). I would like to ask the Senator from Luzerne if he would care to pass the bill on second reading and then have it go over in its order for amendment.

Mr. SORDONI. Mr. President, I have made a motion and the motion has been seconded. I would like to have a vote on the motion.

Mr. THOMPSON (Westmoreland). Mr. President, I say that this bill is primarily a health bill, and it has the support of the Pennsylvania Medical Association. They sent their representatives here to a hearing and advocated the passage of this bill. I myself am not a fisherman—I have not fished since I was a boy, but I do live along the Allegheny River, and we have to drink water from the Allegheny River; we have to drink water after it has been contaminated by refuse from towns located on the river above us far as Tioga County, where my colleague, Senator Owlett, comes from. The idea that this is a fishermen's bill is rediculous. For the information of the Senator from Luzerne, this bill does not affect sewage from municipalities the bill restates the Act of 1905, which takes care of that. It would not in any affect the municipalities of the Commonwealth. It does add a recall on industrial waste which we have never had before, and it does put a little bit of teeth in the enforcement of that part of the law.

Mr. President, for many years there have been presented to the Senate bills proposing to stop, in a degree, the pollution of the streams of the Commonwealth. Just as regularly as these bills have been presented they have been killed in committees.

These bills have not been sponsored by theorists or radicals with the idea of changing a well established political or economic status. They have been supported by the real men and women of the State who have a higher regard for the health and happiness of the people than for some selfish purpose or end.

The present bill is an attempt to put together in a comprehensive law the prohibition of stream pollution of all kinds, and to give to the proper authorities power to enforce it.

We have been prodigal of our natural resources. We have destroyed our forests, mined our coal and burned our oil and natural gas with magnificient waste and carelessness.

We have permitted our God-given water supply to become contaminated and made almost useless for its natural purposes. By our selfishness and careless indifference the waters of the State have become mere drainage ditches—filled with the filth of industrial and human waste. The rivers of the State are designated—with a good deal of truth—as open sewers. It is so much more easy and inexpensive to dump waste matter into the rivers and streams than to spend a little money to dispose of it otherwise.

I ask that this bill be kept on the floor of this Senate and that a vote be taken, and also that the Senate vote down this motion.

Mr. HUNSICKER. Mr. President, I would like to interrogate the Senator from Westmoreland, Mr. Thompson.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Westmereland). Mr. President, I will.

Mr. HUNSICKER. Mr. President, the sponsor of this bill has said that it is purely a health measure. I would like to ask the Senator from Westmoreland, Mr. Thompson, why the bill is in the Committee on Forest and Waters and not in the Commitee on Public Health, if it is purely a health measure.

Mr. THOMPSON (Westmoreland). Mr. President, the Senator from Philadelphia, Mr. Hunsicker, will have to ask the Lieutenant-Governor that. I have nothing to do with putting the bills into committees.

The PRESIDENT. The Chair referred this bill to the Committee on Forests and Waters because it dealt with the waters of the Commonwealth.

Mr. SORDONI. I did not know that when I made my request to have it recommitted, but I meant to have it recommitted to the Committee on Health and Sanitation.

Mr. THOMPSON (Westmoreland). Mr. President, that shows the very intent of this motion—to kill the bill—and I ask that the Senate keep this bill on the floor so that we may vote on it. I think this is a bill that should have the vote of all the members of the Senate.

Mr. HUNSICKER. Mr. President, I would like to further interrogate the Senator from Westmoreland, Mr. Thompson.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Thompson, permit himself to be further interrogated?

Mr. THOMPSON (Westmoreland). Mr. President I will.

Mr. HUNSICKER. Mr. President, I would like to ask the Senator from Westmoreland, Mr. Thompson, if the subject of health has been discussed in Committee, so far as this bill is concerned.

Mr. THOMPSON (Westmoreland). Mr. President, it certainly has. In a public hearing of the Committee, we had Dr. Max Trumpter, of Philadelphia, and Dr. Palmer, of the Pennsylvania Medical Association, testify before the Committee.

Mr. HUNSICKER. Mr. President, I would like to ask the Senator from Westmoreland, Mr. Thompson, if this doctor represented the State Medical Association of Pennsylvania, or the County Medical Society of Philadelphia County, and whether the physicians were speaking as their representatives.

Mr. THOMPSON (Westmoreland). Mr. President, I understand Dr. Palmer was here directly as a represetative of the State Medical Association. He so informed us, and I have reason to believe that this is absolutely correct. Dr. Max Trumpter, for the information of the Senator

from Philadelphia, whom he knows, I am sure, also testified before the Committee.

Mr. SORDONI. Mr. President, I would just like to draw the attention of the Senators in their deliberations as to whether or not a particular doctor would be competent to pass upon the industrial qualifications of this bill. I say this bill is the most vicious piece of legislation before this Senate. I am forced to agree with my good friend Senator Thompson. We have a banking bill which I referred to as one of the most important, but in my estimation this is the most important and the most vicious and will do more harm to the people of Pennsylvania in the elimination of industries than any one piece of legislation that can come before us.

Mr. SHAPIRO. I rise to a point of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of information.

Mr. SHAPIRO. Mr. President, I want to know whether the motion is that this bill be recommitted to the Committee on Public Health or to the Committee on Forests and Waters.

The PRESIDENT. The motion, as understood by the Chair, is that the bill be recommitted to the Committee on Forest and Waters for the purpose of further study and amendment. That was the original motion.

Mr. SHAPIRO. Mr. President, I understand there was an amendment that it be sent to some other committee. That is the reason I asked the question.

Mr. STAUDENMEIER. Mr. President, I would like to interrogate the Senator from Westmoreland, Mr. Thompson, the sponsor of this bill.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Westmoreland). Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I call attention to the difficulty we would have in the anthracite coal regions. If you will refer to page 15, section 310, you will find that was amended to take care of my request. My points is that this shall not apply to waters which are from coal mines in active operation at the time of the adoption of this Act. That would preclude the opening of any new mines and make this bill applicable to the opening of any new mines.

Mr. THOMPSON (Westmoreland). It would not, provided they are not on clean streams, streams that have not already been polluted.

Mr. STAUDENMEIER. Mr. President, in other words, if this opening would be upon a stream that had not any discharged waters coming from coal mines, that mine could not use it. We have a condition in Schuylkill County—I would like to know if this bill would apply to waters discharged by a mammoth breaker, the St. Nicholas breaker, which is not a mine—it is just a cleaning breaker—and in Northumberland County, a mammoth breaker of the Reading Coal and Iron Company. Both of these breakers discharge water which contains some sulphuric contents. Would this bill prohibit the operation of those mammoth collieries?

Mr. THOMPSON (Westmoreland). The word "establishment" as it is defined on page 2 of the bill includes mines, and, of course, whether these plants do pollute the streams would be under the decision of the Sanitary Water Board, as it does now. I think you will find it does include it, and, of course, whether these plants do pollute the streams, under the decision of the Sanitary Water Board. It has that power.

The PRESIDENT. The question is on the motion to recommit the bill to the Committee on Forests and Waters.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Westmoreland), and Mr. GRAFF, and were as follows:

YEAS—29

Aron,	Ealy,	McGinnis,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Reed,	Sordoni,
Buckman,	Huffman,	(Dauphin)	Staudenmeier,
Chapman,	Hunsicker,	Reed,	Trainer,
Clark,	Mallery,	(Washington)	Ziesenheim,
Coyne,	McClure,	Roberts,	

NAYS—18

Cavalcante,	Kahle,	Prince,	Shapiro,
Frey,	Lanius,	Pytko,	Thompson,
Gelder,	Law,	Rankin,	(Centre)
Graff,	McCreesh,	Rice,	Thompson,
Harris,	Miller,	Rodgers,	(Westmoreland)

So the question was determined in the affirmative.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until half-past eight o'clock this evening.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS OF COMMITTEE

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on State Government reported as committed, Senate Bill No. 1621, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, two hundred twenty-nine), entitled "An act relative to the liens of the Commonwealth against unpatented lands; providing for their adjustment, and for the granting of patents," by exempting the Commonwealth, and any department, board, or commission thereof from the payment of certain patent fees.

Also from the Committee on State Government reported as committed, amended, Senate Bill No. 790 (House Bill No. 750), entitled:

An Act to amend the title and sections one, two, three, six, nine, ten, eleven and twelve of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on State Government re-reported as amended, Senate Bill No. 1537 (House Bill No. 1703), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical, or mechanical musical accompaniment, prelude playing or selection incidental thereto on Sunday, during certain hours; and also during other hours; unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday, providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

Mr. EALY. Mr. President, I ask unanimous consent to make a report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on County Government re-reported as amended, Senate Bill No. 1181 (House Bill No. 926), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi municipal corporations which levy their taxes on county assesments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest, and restricting the expenditure of such tax moneys; regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas; and providing for the disposition of funds heretofore paid into court.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Municipal Government reported as committed, Senate Bill No. 1616 (House Bill No. 2394), entitled:

An Act to amend sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" conferring on supervisors power over streams changing the minimum compensation of the secretary-treasurer further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits providing that the road tax shall be used for general township purposes decreasing the minimum widths of certain roads and the acceptance of roads streets lanes and alleys heretofore dedicated.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1564 (House Bill No. 2143), entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on State Government reported as committed, Senate Bill No. 1455 (House Bill No. 2852), entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties.

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on State Government reported as committed, Senate Bill No. 1378 (House Bill No. 2674), entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" by providing for the boarding out of certain patients in State mental hospitals.

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on State Government reported as committed, Senate Bill No. 904 (House Bill No. 754), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three and section one thousand eight hundred and six as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain de-

partments boards and commissions shall be determined" authorizing the Department of Forests and Waters to acquire lands by purchase gift condemnation and least for State forest park and recreational purposes and to maintain develop and re-lease such lands.

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Judiciary Special re-reported as amended, Senate Bill No. 693 (House Bill No. 132), entitled:

An Act prohibiting the employment of miners in the bituminous coal mines unless certified after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties.

BILLS INTRODUCED

Mr. CAVALCANTE and Mr. LAW. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, read in place and presented to the Chair, Senate Bill No. 1625, entitled:

An Act requiring the compensation of all deputy sheriffs to be paid by the counties in which they are employed, prohibiting all contracts and agreements for the payment thereof by any person, copartnership association or corporation except by reimbursing the county and fixing penalties.

Which was committed to the Committee on Labor and Industry.

Mr. McCLURE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE, read in place and presented to the Chair, Senate Bill No. 1626, entitled:

An Act providing for the escheat of certain dividends profits debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money, securities or other property for safe-keeping, except building and loan associations and fiduciaris, with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof and providing for the payment of fees and the procedure in the discovery and collection thereof, and in connection therewith.

Which was committed to the Committee on Finance.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 2270

The Clerk of the House of Representatives being introduced informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 2270, entitled:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board

Mr. LAW. Mr. President, in view of the fact that the Forsests and Waters fund has already been created by an act that was signed last week by the Governor and the amendment that the Senate made to this bill was to make this a general fund, because at the time that the bill originally passed we had no Forests and Waters fund. The objection has been removed now and I move that the Senate recede from the amendments to House Bill No. 2270.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

YEAS—44

Aron,	Graff,	Owlett,	Rupp,
Batchelor,	Harris,	Pierson,	Salus,
Baumer,	Harvey,	Prince,	Shapiro,
Bean,	Homsher,	Pytko,	Sones,
Buckman,	Howell,	Rankin,	Sordoni,
Cavalcante,	Huffman,	Reed,	Staudenmeier,
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Centre)
Coyne,	Mallery,	(Washington)	Thompson,
Ealy,	McClure,	Rice,	(Westmoreland)
Frey,	McCreesh,	Roberts,	Trainer,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECONSIDERATION OF SENATE BILL NO. 793 (HOUSE BILL No. 1088)

Mr. LAW. Mr. President, I move to reconder the vote by which Senate Bill No. 793 (House Bill No. 1088), entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 704) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

was defeated on final passage.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "No."

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted "No."

On the question,

Will the Senate agree to the motion?

Mr. LAW. Mr. President, in connection with this fund there was an error made here on the part of a great many of us yesterday. We were under the impression that

House Bill No. 1088, when it came over, was the bill creating a Forest and Waters fund, whereas the Forest and Waters fund was already created and this was just a matter of transferring a certain part of the fund which had already been created.

And the question recurring,

Will the Senate agree to the motion?

A division being called for thirty-five Senators voted in the affirmative and two in the negative; whereupon the question was determined in the affirmative.

BILL POSTPONED

Mr. LAW. Mr. President, I move that the question together with the further consideration of Senate Bill No. 793 (House Bill No. 1088), be postponed for the present.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. McCLURE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Finance reported as committed, Senate Bill No. 1626, entitled:

An Act providing for the escheat of certain dividends, profits, debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money, securities or other property for safe-keeping, except building and loan associations and fiduciaries, with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof, and providing for the payment of fees and the procedure in the discovery and collection thereof, and in connection therewith.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Labor and Industry reported as amended, Senate Bill No. 1157 (House Bill No. 1904), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct if the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Licutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and further prescribing the qualifications of Workmen's Compensation Referees.

Mr. BAUMER (for Mr. Hunsicker). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is the objection? The Chair hears none.

Mr. BAUMER from the Committee on Public Utilities reported as committed, Senate Bill No. 566 (House Bill No. 228), entitled:

An Act to amend the definitions of "common carrier" and "conveyance of passengers or property" contained in section one or article one of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks of other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice of procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by exempting the conveyance of perishable food products from regulation by the Commission in certain cases.

Also from the Committee on Public Utilities reported as amended, Senate Bill No. 180, entitled:

An Act making it unlawful for any water company to discontinue the supply of water for fire protection purposes; providing for the collection of water rates from cities, boroughs, towns and townships and prescribing penalties, and providing for enforcement by the Public Service Commission.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 467, as follows:

An Act making an appropriation to the General Hospital East Stroudsburg Monroe County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the General Hospital East Stroudsburg Monroe County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 837 (House Bill No. 1798), as follows:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all civil causes of action for alienation of affections of husband or wife except in such cases where the defendant is a parent brother or sister of a person formerly in loco parentis to the plaintiffs spouse are hereby abolished Provided however That this section shall not apply to causes of action which have heretofore accrued

Section 2 All causes of action for breach of contract to marry are hereby abolished Provided however That this section shall not apply to contracts now existing or to causes of action which heretofore accrued

Section 3 No act hereafter done within this Commonwealth shall operate to give rise either within or without this Commonwealth to any of the causes of action abolished by this act No contract to marry which shall hereafter be made within this Commonwealth shall operate to give rise either within or without this Commonwealth to any cause of action for breach thereof It is the intention of this section to fix the effect status and character of such acts and contracts and to render them ineffective to support or give rise to any such causes of action within or without this Commonwealth

Section 4 It shall hereafter be unlawful for any person either as litigant or attorney to file cause to be filed threaten to file or threaten to cause to be filed in any court in this Commonwealth any pleading or paper setting forth or seeking to recover upon any cause of action abolished or barred by this act whether such cause of action arose within or without this Commonwealth

Section 5 All civil causes of action for alienation of affections except such causes as are not abolished by this act and breach of contract to marry which have heretofore accrued shall be commenced within sixty days after this act goes into effect and if not so commenced shall thereafter be completely barred All actions for breach of contract now existing to marry shall be commenced within sixty days after such breach occurs and if not so commenced shall thereafter be completely barred

Section 6 All contracts and instruments of every kind which may hereafter be executed within this Commonwealth in payment satisfaction settlement or compromise of any claim or cause of action abolished or barred by this act whether such claim or cause of action arose within or without this Commonwealth are hereby declared to be contrary to the public policy of this Commonwealth and absolutely void It shall be unlawful to cause induce or procure any person to execute such a contract or instrument or cause induce or procure any person to give pay transfer or deliver any money or thing of value in payment satisfaction settlement or compromise of any such claim or cause of action or to receive take or accept any such money or thing of value in such payment satisfaction settlement or compromise It shall also be unlawful to commence or cause to be commenced either as litigant or attorney in any court of this Commonwealth any proceeding or action seeking to enforce or recover upon such contract or instrument knowing it to be such whether the same shall have been executed within or without this Commonwealth Provided however That this section shall not apply to the payment satisfaction settlement or compromise of any causes of action which are not abolished or barred by this act or any contracts or instruments heretofore executed or to the bona fide holder in due course of any negotiable instrument which may be executed hereafter

Section 7 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1000.00) or imprisonment for a term of not less than one year nor more than five years in the discretion of the court

Section 8 Each section and provision of this act shall be construed separately and the invalidity of any section or provision thereof shall not affect the validity of the remaining sections or provisions This act shall be liberally construed to effectuate the object thereof

Section 9 All laws and parts of laws in conflict with any provision of this act are hereby repealed to the extent of such conflict but in all other respects this act shall be deemed supplemental to existing laws

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 859 (House Bill No. 1567), as follows:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An Act relating to cities of the third class and amending revising and consolidating the law relating thereto" by requiring city records to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of same That the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended by adding thereto the following section

Section 1303 Records Open to Inspection The fiscal records and documents of every city of the third class shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 896, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercing supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of aBnking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 201 Section 301 Section 402 Section 501 Section 712 Section 905 and Section 1011 of the act approved the fifteenth day of May one thousand nine hundred thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 201 Corporations and Persons Subject to Supervision of Department The department shall have the power to supervise

(1) All corporations and persons which are authorized to receive or which do receive in this Commonwealth money on deposit or for safe-keeping or which are authorized to engage or which do engage in this Commonwealth in a banking business and all corporations which are authorized to act or which do act in this Commonwealth as trustees guardians executors administrators or in other fiduciary capacities including banks bank and trust companies trust companies private banks [other than those exempted by this act] savings banks and mutual savings funds [and safe-deposit companies] but not including hotels or clubs which receive money from guests or members for temporary safe-keping express steamship or telegraph companies which receive money for transmission and attorneys at law real estate agents and attorneys in fact who are not engaged in the business of receiving moneys in this Commonwealth for deposit or for transmission but receive and transmit moneys only as an incident to their general business or profession brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

(2) All building and loan associations authorized to transact or transacting business in this Commonwealth

(3) All national banking associations incorporated under the laws of the United States and located within its Commonwealth which are authorized to act [and] or which do act in this Commonwealth as trustees guardians executors administrators or in any other fiduciary capacities to the extent to which supervision by state authorities is or may be permitted under the laws of the United States

However when any corporation subject to the supervision of the Department of Banking shall also engage in a title insurance business a mortgage guarantee business or any other business subject to the supervision of the Insurance Department such branch of its business shall not be subject to the supervision of the Department of Banking

Section 301 Relationships of Employes of Department with Institutions Penalty A Neither the secretary nor any deputy examiner celrk or other employe of the department nor any deputy receiver or other employe of the Secretary of Banking as receiver shall be an officer director trustee manager employe or shareholder of or directly or indirectly have any pecuniary interest in any institution nor shall he after becoming secretary or a deputy examiner clerk or other employe of the department or a deputy receiver or other employe of the Secretary of Banking as receiver directly or indirectly receive from any institution or from any officer director or employe thereof any sum of money or other property whether as a gift credit loan or otherwise However the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver may secure from any institution a mortgage loan upon his own home upon the same terms and in the same manner as are provided by law for

mortgage loans by such institutions upon real property and as are customarily imposed and followed by the institution making such loan

This section shall not be construed to prohibit the secretary or any deputy examiner clerk or other employe of the department or any deputy receiver or other employe of the Secretary of Banking as receiver from becoming a depositor in any institution

B A violation by the secretary deputy deputy receiver examiner clerk or other employe of the prohibitions of this section shall constitute sufficient ground for his removal from office In addition the secretary deputy deputy receiver clerk or other employe committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount of the gift credit loan or other sum of money which he has directly or indirectly received in violation of this section

Section 402 Examination of Corporations or Persons Affiliated with Institutions A The Department of Banking shall have the power to supervise regulate limit or prohibit the activities of corporations or persons affiliated with institutions to the same extent as such activities of corporaions or persons affiliated with national banking associations or with members of a Federal Reserve Bank are or shall be supervised regulated limited or prohibited by general law or by regulations issued by any Federal authority pursuant to law

B For the purpose of determining the condition of and obtaining full information about an institution the department may examine and investigate the property assets books papers and affairs of any corporation or person affiliated with such institution A corporation or person shall be deemed to be affiliated with an institution for the purposes of this section if

(1) It is owned directly or indirectly by such institution or

(2) It owns directly or indirectly such institution or

(3) It is owned directly or indirectly by the same person or corporation which owns directly or indirectly such institution or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors of such institution or

(5) A majority of its directors are also directors of such institution or

(6) Members of its board of directors constitute a majority of the board of directors of such institution or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors of any such institution or comprise all or substantially all of the executive officers of any such institution or

(8) Its board of directors is composed of executive officers of any such institution or

(9) It dominates or controls in whole or in part the business or policy of such institution either by contract or otherwise or

Provided however that the department shall not have power to examine any corporation or person as an affiliated corporation or person under this section unless (1) it either directly or indirectly owns or is owned by an institution or (2) the institution within the preceding two-year period had investments in or outstanding loans secured in whole or in part by shares of stock or securities of such corporation or person which have no readily ascertainable market value

For the purposes of this section the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of a corporation for the election of its directors shall be deemed to be ownership of such corporation

Shares of stock held in the name of a nominee of any corporation for the benefit of such corporation shall be deemed to be shares owned or controlled by the corporation

Section 501 Orders by Department A Whenever it shall appear to the department that any institution is violating any provision of its charter or of this act or of any other law regarding the business of such institution or that such institution is conducting business in an unsafe or unsound manner the department may issue a written order under the seal of the department directing such institution to discontinue within such period as shall be specified in the order such violation of law or such unsafe or unsound practice

B Whenever it shall appear to the department that an attorney officer or employe of an institution other than a building and loan association and in the case of an incorporated institution other than a building and loan association a director or trustee thereof shall have continued to violate any law relating to such institution or shall have continued unsafe or unsound practices in conducting the business of such institution after having been warned by the department to discontinue such violations of law or such unsafe or unsound practices the department may issue an order directing such attorney officer employe director or trustee to appear on the day fixed in such order before the Banking Board and show cause why he should not be removed from his office or position and such office or position declared vacant A copy of such order shall be sent to the institution of which such person is an attorney officer employe director or trustee and a copy of such order shall be sent to the Banking Board

The office or position of any attorney officer employe director or trustee so ordered by the department to appear before the Banking Board who does not appear on the day fixed in such order shall unless the date for his appearance shall previously have been extended by the department upon such failure to appear be declared vacant Notice of such failure to appear shall be given by the Banking Board to the department

On the day fixed by the board such attorney officer employe director or trustee shall be heard in person or by counsel by the Banking Board If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has not shown cause why he should not be removed from his office or position and such office or position declared vacant it shall within sixty days of such hearing notify the department of its decision Upon receipt of such notice or of notice that an attorney officer employ director or trustee has failed to appear on the day fixed the department shall issue an order directing the institution to remove such attorney officer employe director or trustee from his office or position and declare such office or position vacant A copy of such order shall be sent to the attorney officer employe director or trustee so removed

The department shall set forth in its order the date upon which any such removal and declaration of vacancy shall become effective

If after such hearing it shall appear to the Banking Board that such attorney officer employe director or trustee has shown proper cause for not removing him or declaring his office or position vacant it shall within sixty days of such hearing notify the department to that effect

If the institution of which such person ordered by the department to appear before the Banking Board is an attorney officer employe director or trustee is a member of a Federal Reserve Bank or the Federal Deposit Insurance Corporation the department may notify such Federal Reserve Bank or Federal Deposit Insurance Corporation of its order directing such attorney officer employe director or trustee to appear before the Banking Board and of the decision of the Banking Board At such hearing any duly authorized representative of such Federal Reserve Bank or Federal Deposit Insurance Corporation may appear as a witness against such attorney officer employe director or trustee

Except as herein otherwise specifically provided the proceedings of the Banking Board and its decisions shall not be published or divulged to anyone

The decision of the Banking Board shall be conclusive and not subject to any review Any attorney officer employe director or trustee who is removed from his office or position as provided in this section shall forever thereafter be disqualified from acting as an attorney officer em-

ploye director or trustee of any institution in this Commonwealth for such period as the Banking Board shall prescribe

C There is hereby created a board to be known as the "Banking Board" which shall hear any attorney officer employe director or trustee of any corporation or person subject to the supervision of the Department of Banking who shall have been ordered by the Department of Banking to appear before such board to show cause why his office or position should not be declared vacant The Board shall also exercise such additional powers as shall be given to it and shall act upon such matters as shall be referred to it by any laws of this Commonwealth

The board shall consist of nine members one of which shall be the Secretary of Banking who shall act as chairman Two of its members shall be appointed by the Governor to serve for two years from September first one thouand nine hundred and thirty-five and may be removed from the board at his pleasure the remaining six members shall be appointed by the Governor from a list of nominations submitted to him as herein provided but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

(1) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from Groups one and two of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for four years from September first one thousand nine hundred and thirty-five

(2) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from Groups three four five and six of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for eight years from September first one thousand nine hundred and thirty-five

(3) The Pennsylvania Bankers Association shall nominate in writing to the Governor five persons from Groups seven and eight of the Pennsylvania Bankers Association two of whom shall be appointed by him as members of the board to serve for six years from September first one thousand nine hundred and thirty-five

Such nominations shall be submitted to the Governor not less than thirty days before July first one thousand nine hundred and thirty-five and thereafter not less than thirty days before September first of the year in which the Governor shall make appointments of successors to fill the offices of such members whose terms will expire on September first of such year If such nominations are not so submitted to the Governor he shall appoint as members of the board attorneys officers employes directors or trustees of corporations or persons subject to the supervision of the Department of Banking two of whom shall be from Groups 1 and 2 of the Pennsylvania Bankers Association two from Groups 3 4 5 and 6 of the Pennsylvania Bankers Association and two from Groups 7 and 8 of the Pennsylvania Bankers Association but any such member shall not be removed from office unless he shall have been absent from six consecutive meetings of such board

Upon expiration of the respective initial terms of office members shall be appointed to serve for eight years Members shall serve until their successors are duly appointed and have qualified Appointed members of the board shall qualify by giving written notice to the Secretary of Banking of their acceptance of such appointment

The board may by the vote of a majority of all its members excuse any member for failure to attend its meetings but if not so excused the office of the member who shall have been absent from six consecutive meetings shall be declared vacant and the vacancy filled as herein provided

Vacancies in the board caused by death resignation failure to attend meetings or otherwise shall be filled by the Governor but in the case of a vacancy caused by death resignation failure to attend meetings or otherwise of a member appointed from nominations submitted to the Governor as herein provided the Governor shall fill such vacancy by appointing as a member of the board an attorney officer employe director or trustee of a corporation or person subject to the supervision of the Department of Banking having its principal place of business within the same groups of the Pennsylvania Bankers Association as was represented by the list of nominations from which was appointed the members whose office became vacant

The board shall meet upon the call of the chairman notice of which shall be given to each member in writing not less than five days prior to the date fixed for such meeting

A majority of all the members of the board in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the members who are present at a meeting at which a quorum is present shall be the acts of the board provided that the chairman shall have no vote unless they be equally divided

Members of the board shall serve without compensation but shall be entitled to personal expenses actually incurred in the performance of duties which if approved by the Department of Banking shall be paid by it

The board shall meet in the office of the Department of Banking for which purpose the Department of Banking shall furnish to the board adequate office space and such other facilities as are necessary for its administration The Department of Banking shall designate one of its employes to act as sectretary to the board and shall furnish such other employes as may be required

The secretary shall keep full minutes of the proceedings of the board which shall be available only to the members thereof

In connection with any hearing or investigation the board shall have power to issue subpoenas requiring the attendance of or the production of pertinent books and papers by the officers directors agents employes or members respectively of any corporation or person which the departmnt is authorized under the provisions of this act to examine The board shall upon application of the attorney officer employe director or trustee to be heard subpoena such witnesses as are set forth in such application The board shall also have the power to question such witnesses under oath or affirmation and to examine such books and papers

Any witness who refuses to obey a subpoena issued under this section or who refuses to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed for which purpose such court is hereby given jurisdiction

[B] D Whenever it shall appear to the department that the capital of a corporation under its supervision has been impaired or the capital and surplus reduced below the minimum required by law or below the amount required by its articles of incorporation the department may issue a written order under the seal of the department directing such corporation to make good the deficiency within such period as shall be specified in the order

[C] E Whenever it shall appear to the department that the bond or securities of a person under its supervision which are required by law to be deposited with the department have depreciated in value so that their present value is below the minimum amount required the law the department may issue a written order under the seal of the department directing such person to make good the deficiency within such period as shall be specified in the order

[D] F Whenever it shall appear to the department that any institution is not keeping its books and accounts in such manner as to enable the department with reasonable facility to ascertain the true condition of the institution the department may issue a written order under the seal of the department requiring such institution within such period as shall be specified in the order to open and keep such books as the department may in its discretion reasonably determine are essential for the purpose of keeping accurate and convenient records of the transactions and accounts of such institution

[E] G Whenever any institution shall refuse to submit its records and affairs to a legally conducted examination or investigation by the department the department

may issue a written order under its seal requiring such institution to permit the secretary or other duly authorized examiner to make such examination or investigation within such period as shall be specified in the order

Section 712 Liens Judgments and Executions Assignments of Claims A The status of all parties shall become fixed on the date the secretary takes possession of the business and property of the institution as receiver No corporation or person shall thereafter acquire any lien or charge against any of the assets of the institution of which the secretary is receiver including mechanics' liens for charges payments advances or clearance thereafter made or thereafter incurred or liens by reason of the entry of any judgment against such institution after the secretary has taken possession

B In the case of an institution of which the secretary has taken possession which at the time of possession was a member in the case of a bank bank and trust company or savings bank of the Federal Deposit Insurance Corporation and in the case of a building and loan association of the Federal Savings and Loan Insurance Corpporation the claims of depositors and of shareholders of a building and loan association shall be subrogated in favor of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation as the case may be to the extent that the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation makes available pursuant to applicable laws of the United States for payment the claims of such depositors or such shareholders Provided that the rights of such depositors or of such shareholders to participate in and receive dividends or other distributions upon that portion of their claims not made available for payment shall not be affected by such subrogation When the claims of depositors or of shareholders have been made available for payment in whole or in part by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation as the case may be the secretary shall file a partial or final account in the manner required by this act of his administration of the business and property of the institution

C Assignments of claims of depositors or other creditors of the institution which are made before the secretary takes possession but notice of which is not received by the institution before such taking of possession shall be regarded as and shall have only the legal incidents of assignments made after the secretary takes possession

D No execution or attachment pending or otherwise shall respectively issue or be proceeded with against any property moneys or assets owned by or legally in the custody or possession of an institution of which the secretary is in possession as receiver except that an execution may be permitted by special leave of the court In lieu of the right to issue an attachment against money or property belonging to others which is legally in the custody or possession of such institution a plaintiff may proceed as follows He may give written notice of his claim to the secretary or to the deputy receiver of such institution and he shall thereafter present proof in the regular manner provided by this act for the proof of the claim which he is attempting to attach After the filing of the regular account of the secretary the court shall adjudicate the matter as in the case of other disputed claims Where two or more plaintiffs attempt to attach the same claim in this manner the order in which they shall take as among themselves shall be determined by the order in which written notice of their claims was received by the secretary

Section 905 Advances by Secretary to Substituted Fiduciary Whenever the secretary shall have filed an account as to any such mortgage or securities pool or as to any mortgage security or other asset in which the institution shall have created undivided interests and it shall appear to the court that any sum of cash will be needed by the substituted fiduciary for the protection of the owners of undivided interests in such mortgage or securities pools or in any such mortgage security or other asset as to which such account shall have been filed and if it shall appear from the account that the secretary does not have any cash held by him in connection with such mortgage or securities pool or in connection with any such mortgage security or other asset or if the account discloses that the cash in his hands for that purpose is insufficient for the protection of the owners of the undivided interests in such mortgage or securities pool or any such mortgage or security or other asset or where no account is filed if the secretary shall demonstrate these facts to the satisfaction of the court the court may upon petition of the secretary and in the exercise of its discretion order the secretary to advance to the substituted fiduciary out of the general assets of the institution such cash as may be necessary for the protection of the owners of such undivided interest Such order shall provide that the amount of cash so advanced by the secretary with interest thereon at such rate as may be fixed by the court shall be repaid by the substituted fiduciary out of the first moneys realized by such substituted fiduciary on the mortgages securities and other assets transferred to him

Section 1011 Order of Preference in Distribution A The following shall be the order followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any institution with the exception of a building and loan association which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any deposit or other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any deposit and any interest due thereon which has been or according to the by-laws or rules and regulations of the institution should have been credited to such deposit prior to the date of the taking of possession of the institution by the secretary as receiver whether subject to withdrawal by check or by any other method not requiring notice or to withdrawal only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution any holder of a certified check drawn on the institution the claim of any holder of a certificate of deposit of the institution which evidences an actual deposit of moneys in such institution and any interest which may be due thereon whether such certificate of deposit is payable upon demand or is payable only after notice or after the expiration of a fixed period whether or not such notice has been given or such period has expired at the date of distribution the claim of any holder of a check or draft of the institution which has been given in exchange for or in payment of a check or draft drawn upon such institution by a depositor therein or which has otherwise been charged to the account of a depositor therein provided that the amount of such check or draft does not exceed the balance to the credit of such depositor or which has been given in exchange for cash or for any check or draft the proceeds of which have been received by the institution excepting claims which are preferred by the Bank Collection Act of one thousand nine hundred and thirty-one its amendments and supplements any claim for cash or for any check or draft the proceeds of which have been received by the institution which was delivered to the commercial department of such institution as fiduciary either for transmission or for any purpose other than as a deposit irrespective of whether all or part of such cash or the funds realized from such check or draft has been mingled with the assets of such institution

Fourth Any claim for the amount of any deficiency in the funds property or investments of an estate of which the institution was fiduciary or any surcharge with respect to such estate which is found to be due by the court in which the account for such estate is filed and any claim of a creditor of the institution not listed under any other category in this section

Fifth Any part of the amounts paid by shareholders after an assessment upon them by the secretary pursuant to the provisions of this act which has proved unneces-

sary to pay in full all depositors or other cerditors of the institution such payments are to be made pro rata up to the respective amounts paid by each shareholder This clause shall not be construed to refer to payments made by shareholders on account of unpaid subscriptions to shares

Sixth Any moneys of the institution which still remain in the hands of the secretary shall be paid to shareholders in proportion to the number of shares held by them respectively minus any amounts still owing by them on the assessment made by the secretary pursuant to the provisions of this act or on unpaid subscriptions to shares provided however if the Articles of Incorporation or any amendments thereto prefer any class of shareholders over another class then distribution shall be made in conformity with the Articles of Incorporation and any amendments thereto

Seventh Any unliquidated assets to trustees for shareholders appointed pursuant to the provisions of this act

B The following shall be the order and preference followed by the secretary in the distribution pursuant to the provisions of this act of the assets of any building and loan association the affairs of which he as receiver is liquidating

First Any expenditure made by the secretary as receiver which under the provisions of this act is to be paid out of the assets of the institution

Second Any fee or other debt owing to the department for examinations or other services rendered or penalties incurred prior to the taking of possession by the secretary as receiver any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Third Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Fourth Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment full-paid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

C Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

D All claims provided for in this section shall be construed to refer only to claims presented to the secretary and approved by the court in accordance with the provisions of this act

Section 2 This act shall become effective immediately upon final enactment

Section 3 All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 905 (House Bill No. 914), entitled:

An Act to supplement an act approved the nineteenth day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand fifty-five) entitled "An act authorizing the release on probation of certain convicts instead of imposing sentences the appointment of probation and parole officers and the payment of their salaries and expenses regulating the manner of sentencing convicts in certain cases and providing for their release on parole their conviction of crime during parole and their rearrest and reconviction for breach of parole and extending the powers and duties of boards of prison inspectors of penitentiaries" by providing for release on parole on recommendation of the board of inspectors of any county prison house of correction or workhouse and for the conditions and limitations thereon and authorizing the appointment of parole officers by boards of prison inspectors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 905 (House Bill No. 914), the bill just read, be recommitted to the Committee on Judiciary General.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 977 (House Bill No. 1005), as follows:

An Act requiring tax collectors to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all tax collectors of townships of the first class before depositing any township tax moneys in any banks banking institutions or trust companies shall secure from such depositories a bond or bonds to secure payment of the deposits of such tax moneys secured by a surety company authorized to transact business within the Commonwealth or in lieu of such surety bond or bonds the deposit of township tax funds may be secured by the deposit with any bank or trust company other than the depository within the Commonwealth which may be agreed upon of bonds or other interest bearing obligations of the United States of the Commonwealth of Pennsylvania or of bonds of any city borough township or school district of the Commonwealth of Pennsylvania the total amount of such bonds or obligations thus deposited measured by their actual market value shall be equal at all times to one hundred twenty per centum of the amount of the deposits All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer and in the event of the failure of the depository to pay the full amount of such deposits such bonds and the proceeds of the sale thereof shall belong to the tax collector until he shall receive from the depository the full amount of the deposits made by him Provided That any such township tax moneys may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured the tax collector shall not require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 984 (House Bill No. 1565), on second reading, entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth, except in counties of the first and second class; and revising, amending, consolidating, and changing the law relating thereto," by requiring records of poor districts to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 985 (House Bill No. 1566), on second reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixh seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1051 (House Bill No. 979), as follows:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act for Cities of the First Class"

Section 2 Definitions (a) The word "commission" shall mean any registration commission having jurisdiction in any city of the first class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special primary or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the first class although such percentage of said vote may not have been attained in any particular election district thereof

(j) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the first class or with which such city is coextensive

(n) "City" shall mean only a city of the first class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics unless otherwise specified shall refer only to those of any city of the first class or to those of any county within which such city is located or with which it is coextensive

(p) "Public office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

Section 3 Registration Commissions Appointment of Members (a) There shall be a registration commission in and for each city of the first class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of five commissioners who shall be qualified electors of the city not more than three of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and except as herein otherwise shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that the terms of office of the commissioners first appointed by the Governor under this act shall commence on the day of their appointment which shall be within ten days after the final enactment of this act and shall expire upon the first Monday of January one thousand nine hundred and thirty-nine Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of five thousand dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 4 Powers of Commissions and Members Thereof Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled as hereinafter provided

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses and (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Appointment Duties Removal and Filling of Vacancies (a) The commission shall have power to appoint such inspectors of registration as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same They shall receive for their services compensation not exceeding five dollars per day for the time actually employed

(b) The commission shall not later than the fifteenth day of August in the year one thousand nine hundred thirty-five appoint four registrars for each election district two to be members of the party polling the highest vote in the city at the preceding November election and two to be members of the party polling the second highest vote at said election and designate two of them one each from the two major parties to have charge of the district register and registration cards at all times during said year when they are sitting at the polling places as hereinafter provided Not later than the fifteenth day of August in all subsequent years the commission shall appoint two registrars for each election district one to be a member of the party polling the highest vote at the preceding November election and the other to be a member of the party polling the second highest vote at such election All such registrars must be duly qualified electors of the said district and shall have been residents of the city for a period of two years and of the ward for one year immediately preceding their appointment They must be sober and judicious persons of good moral character able to read intelligently and write legibly They shall be empowered to register the qualified electors of the district and in so doing to administer oaths and affirmation They shall be paid for their services at the rate of ten dollars for each day that they are in session at the polling places (payable after they deliver the registers et cetera to the commission as hereinafter provided) and at the same rate as other witnesses when hey are summoned to appear before the commission or the court of common pleas

(c) Not later than the twentieth day of July of each year the city chairman of the party having polled the highest vote in the city at the preceding November election and the city chairman of the party having polled the second highest vote in the city at such election may file with the commission a written list of names of members of said party whom such chairman recommends for the appointment as registrars Such lists shall contain the name address qualifications and occupation of each person so recommended They shall be open to public inspection at the office of the commission until the twenty-sixth day of July of each year before the appointments shall be made

The commission shall appoint persons whose names appear on such lists as the registrars representing such party If more candidates are recommended by any such party than it is entitled to have appointed the commission shall appoint the candidates from the names appearing on such list whom it considers mos fit and if there are not sufficient candidates qualified to serve as registrars under the provisions of this act recommended by any such party the commission may appoint other persons of the same party of whom it has knowledge

(d) Should any vacancy occur in the office of registrar of any election district by reason of the death resignation removal of or for any other reason the commission shall immediately thereafter notify in writing the city chairman of the party in which such registrar was enrolled of that fact Thereupon the city chairman of such party may within three days thereafter file with the commission a written list of names of members of said party whom such chairman recommends for appointment as registrar to fill such vacancy Such list shall likewise contain the name address and qualifications of each person so recommended to fill the vacancy and shall be on file and open to public inspection at least five days except in cases where a vacancy occurs within ten days of any registration day in which case the time for filing such list and the time during which such list shall remain on file and open to public inspection shall by order of the commission be reduced to such time or times as shall be reasonable under the circumstances The vacancy shall be filled by the commission in like manner as in making the annual appointments of registrars as provided by this act

(e) Any qualified elector of the city may appear before the commission and show wherein any person nominated for appointment or appointed as a registrar does not possess the requisite qualifications and the commission may decline to appoint any such candidate and may remove any such registrar who is not qualified The commission shall thereupon appoint another person for the said office of registrar in the same manner as provided by this act for filling vacancies occurring in the office registrar

If it appears at any time that by reason of a change in political affiliations or because of an error in appointment the registrars of any election district are not divided according to political affiliations, as herein provided, any ten electors of the election district may file a petition with the commission, setting forth the facts, and praying that one or more of the appointments be revoked and that other appointments be made. Upon presentation of such a petition, the commission shall fix a time not less than five days thereafter, and at least three days' notice shall be given by mail to all the registrars of such election district and the city chairman of the party in which such registrar or registrars are enrolled when a public hearing shall be given all concerned and if the facts are then found to be as represented the commission shall give the relief asked for and shall appoint another person or persons in place of such registrar or registrars in the same manner as provided by this act for the filling of vacancies occurring in the office of registrar

(f) Inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for

public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act

(g) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(h) Each commission may appoint a chief clerk at a compensation not exceeding thirty-five hundred dollars per annum who shall have authority to administer oaths sign vouchers an assistant clerk not over twenty hundred dollars per annum an assistant clerk not over eighteen hundred dollars per annum a stenographer (who may act as a clerk) at a salary not over fifteen hundred dollars per annum a chief inspector at a salary not over eighteen hundred dollars per annum two custodians of the records to guard same while they are open to public inspection each of whom shall reeive not more than twelve hundred dollars per annum a messenger who shall receive not more than one thousand dollars per annum as many clerks as they may deem necessary from time to time at a compensation not exceeding four dollars per diem for the time actually employed

(i) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaken owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate or badge of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 6 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by City Council Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The council of each city shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel the number of registrars as herein provided inspectors of registration and other assistants and employes and the fees of witnesses as herein defined and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices accounts books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The council of each city shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriation heretofore made by the council of any city for the purpose of carrying out any provisions of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners May Act As Registrars and Inspectors A commissioner may act at the office of the commission as registrar and may at any time act as inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity From Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists voting check lists voters' certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of the commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered Registrars the commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar the

commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or body of electors which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not less than three for any party or body of electors

Section 15 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person and may be accompanied or may be represented by an attorney at law duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Days and Hours of Registration at Office of Commission and at Polling Places Payments of Rentals Public Notice (a) The commission shall arrange to have the registrars as hereinbefore provided meet at the polling place in each election district in the year one thousand nine hundred and thirty-five on the tenth Tuesday ninth Tuesday and ninth Saturday preceding the municipal election and in all subsequent odd-numbered years on the second Tuesday preceding the fall primary They shall remain in open session from seven ante meridian to one post meridian and from four post meridian to ten post meridian of each registration day aforesaid

They shall on said days receive personal applications from persons who claim that they are entitled to be registered They shall have power to administer oaths shall examine said applicants under oath and shall record on the duplicate registration cards the names of and other facts concerning those whom they shall determine to be qualified as hereinafter provided

(b) From and after the first day of July one thousand nine hundred and thirty-five the commission or any commissioner shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the fifteen days next preceding each election and each primary and the five days next following each election and each primary at the office of the commission receive personal application from persons who claim that they are entitled to be registered as electors of the city and who appear for registration and shall examine said applicants under oath and shall record on the duplicate registration cards the names of and other facts concerning those whom the commission or the commissioner so acting as registrar shall determine to be qualified as hereinafter provided

(c) The county commissioners shall cause the polling places to be open in proper order for use as a place of registration on each of said registration days when the registrars are required by this act to be in session at the polling places and the said county commissioner shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) Two weeks notice of all registration days shall be given by the commissioners by one general notice published in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and by posting notices at the polling places

Section 17 Disposition of Old Registration Lists Effective Under Prior Laws The registration lists effective at the time this act becomes effective except as hereinafter provided shall become of no validity at the beginning of the period of fall registration in the year of one thousand nine hundred and thirty-five but the old registers shall be delivered to the registrars of the district before such fall registration for the purpose of checking certain information as hereinafter provided and shall thereafter be preserved by the commissioners for at least two years after such date and during said period shall be open to public inspection under proper regulations for their safe-keeping and no register shall be destroyed without the previous consent in writing of the district attorney of the proper county

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by the following section of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to the registrars

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe the registrars shall return to the commission at its office all registration cards used or unused in their possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the registrars in the district in which he resides or at the office of the commission on one of the days and at the time prescribed by this act and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrars or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room apartment flat or floor which he occupies (6) The length of his residence in the State and district respectively it shall be sufficient to state such time as to qualify

him to vote in the district (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the approximate age of the applicant or a statement that he is twenty-one years of age and upwards (11) the state or territory of the United States or the foreign country where he was born (12) the date when place where and the court by which naturalized and number of the naturalization certificate (13) if not naturalized personally the name of father or husband through whom naturalized (14) whether he has a physical disability which will render him unable to see or mark the ballot or to enter the voting compartment or operate the voting machine without assistance and if so his declaration of that fact and the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of one of the registrars and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the general registers when filed by election districts as the district registers

(e) If the applicant shall allege inability to sign his name he shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicants inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar an affidavit of his inability to sign his name which affidavit shall be returned therewith to the office of the registration commission to be filed as part of its records

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing election shall be entitled to be registered as provided by this act but no person shall be registered at the polling places unless both registrars when only two are sitting and at least three of the registrars when four are sitting or at the office of the commission unless one commissioner shall determine that he is so qualified except by order of a court of common pleas as hereinafter provided From and after the seventh day of September one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside in the same district unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants To Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register at any polling place may be challenged by a registrar or by any qualified elector of the election district Any person asking for registration by the commission may be challenged by a commissioner or a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth The challenged applicant shall produce such other proof as the law requires challenged persons to produce on election day and it shall be the duty of the registrars or commission to require it before permitting him to be registered

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where he resides (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks pecularities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrars or commissioners he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last November election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized Except as herein otherwise provided any person claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before he shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father, to the best of his knowledge information and belief was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to the twenty-second day of September one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court in which such naturalization to the best of her knowledge information and belief took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States or by making affidavit of such fact stating therein the place and date of her husband's birth to the best of her knowledge information and belief Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

No person shall be required to prove his citizenship as required by this section when he applies for registration in the year one thousand nine hundred and thirty-five if the registers for the year one thousand nine hundred and thirty-four of the district in which he is claiming the right to register show such person to have been registered during such year and if at least two of the registrars or three of the commissioners as the case may be

are satisfied as to such person's citizenship For the purpose of determining all such persons previous registration the registrars shall refer to the said old registers of the district which are to be delivered to them with the district registers as hereinbefore provided

Section 23 Incomplete or Rejected Applications to be Recorded The registrars or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards marked "Applicant Rejected" and the registrars or commissioner shall note thereon the reason for the rejection and shall sign their name or his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered had been denied by the registrars or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary Provided if the application to be registered has been denied by the registrars at the fall registration in the year one thousand nine hundred and thirty-five or on any subsequent odd-numbered year such petition shall be filed not later than the twelfth day prior to the fall primary in such year and the time for a public hearing thereof shall be fixed not lter than the seventh day prior to such fall primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrars or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner shall not be registered

Section 25 General Register The duplicate registration affidavits for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the general register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 26 District Registers The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the district register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 26.1. Removal Notices. The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors. These notices may be printed upon cards suitable for mailing, addressed to the office of the registration commission and shall contain spaces wherein the elector shall write: (1) the street and number of his present residence and the specific location thereof, including the number of the room, apartment, flat or floor, if his residence is a portion only of a house; (2) the street and number of the address from which he was last registered; (3) the date of his removal to his present address; and (4) space wherein the elector shall subscribe to an affidavit in which the elector shall swear or affirm as to the truth of the statements made by him therein The removal notice shall contain a statement that the elector may by filling out properly the said removal notice and swearing or affirming before a commissioner registrar or any other person duly authorized under this act or the laws of this Commonwealth to administer oaths as to the truth of the statements made by him in the removal notice and returning it to the office of the commission or presenting it in person to the registrars of the district in which he lives while in session at the polling place on a regular registration day secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring fifteen days or more after the receipt of the notice at the office of the commission or by the registrars provided such person shall have moved into such new district at least two months prior to the succeeding election or primary Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register All such removal notices received by the registrars while sitting at the polling place on a registration day shall be delivered to the commission with the registers and other supplies and the commission shall act on such notices in the same manner as if they had been delivered to it by mail

Sec. 26.2. Transfer of Registration. (a) Upon receipt of a removal notice properly filled out and verified by an affidavit by the elector in which he swears or affirms before a commissioner registrar or any other person duly authorized under this act or the laws of this Commonwealth to administer oaths as to the truth of the statements made by him therein and setting forth a removal residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) Provided, That when a request for transfer believed authentic by the commission as aforesaid shall have been received at the office of the commission or by the registrars within the period of fifteen days next preceding an election or primary, or shall show such removal was not made at least two months prior to the succeeding election or primary and the removal shall have been from one election district to another, the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence, but shall not include it in the register of the district of his new residence until after the election or primary. In any case the commission shall advise the elector promptly in writing of its action.

(c) If the commission shall doubt that the request for transfer is authentic, it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice, but each such elector must apply in person at the office of the commission or before the registrars of the district in which he resides on one of the days and at the time prescribed by this act for registration and register again in the manner provided by this act and who if then a qualified elector shall thereupon be registered

(e) Nothing contained in this act shall be construed as preventing any registered elector who after having so registered has removed his residence to another location in the same city from applying in person at the office of tho commission or before the registrars of the district in which he resides on one of the days and at the time prescribed by this act for registration and register again in the manner provided by this act and who if then a qualified elector shall thereupon be registered

Section 27 Change of Enrollment of Political Party Cancellation of Party Enrollment (a) At any time prior to the fifteenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear at the office of the com-

mission or before the registrars of his district when sitting at the polling place and state in writing over his signature the political party in which he desires to be enrolled and the registrars or commissioner shall cause the enrollment of the elector's political designation to be made or changed accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least forty-eight hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the time fixed for the presentation of any such petition the elector against whom the petition is filed appears and swears or affirms or has prior thereto filed an affidavit at the office of the commission in which it is sworn or affirmed that the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 28 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a commissioner at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 29 Mail Check-up of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once each four years the commission shall send such notice by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by the following section of this act a copy of which notice shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time specified in such notice and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless his qualifications as an elector are proved

Section 30 Canvass of Registered Voters Any inspector of registration on his own motion or on complaint of any person known to him and when directed by any commissioner shall

(a) Investigate all questions relating to the registration of electors and for that purpose shall have power to enter and inspect any house dwelling building inn lodging house or hotel within any city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate or badge of appointment as aforesaid

(b) Inspect any copy and register of lodgers in lodging houses inns or hotels relating to or affecting the right of any person to vote or to be registered in like manner

(c) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when violation is punishable as a crime

(d) Call on any police or peace officer of such city or of the county to assist the inspector of registration in the maintenance of peace at any polling place or in making any arrest as aforesaid

(e) Leave a notice at the address from which any person is registered when such person shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered Such notice shall require such elector to "satisfy the commission of his qualifications as a voter" on or before a date and hour which the notice shall appoint and which shall not be later than the tenth day preceding the election next ensuing provided that if the next ensuing election is a fall primary the date and hour which the notice shall appoint shall not be later than the fifth day preceding such fall primary The inspector shall give written report of such cases to the commission which shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered and shall also mail a copy of each such notice to the city chairman of the political party or body of electors in which such person may be enrolled at least forty-eight hours prior to the time specified in such notice

At the expiration of the time specified in the notice the commission shall cancel the registration of each such person whose qualifications as an elector has not been proved

Section 31 Comparison and Correction of Registers Preliminary Street Lists (a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each general and municipal election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made at least fifty and not more than one hundred exact copies of each such list and as soon as possible and not later than the first day of March in each year shall distribute the same among the inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties bodies of electors and candidates interested therein giving at least ten copies of each street list to the city committee of each political party or body of electors upon the written application of the chairman thereof and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on the file at the offiice of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 32 Corrected Street Lists Posting Not later than the fifteenth day prior to each general and municipal election and spring primary and not later than the fifth day prior to each fall primary the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house number The commission shall cause

to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Such lists shall be distributed to the same persons and in the same manner and number as is hereinbefore provided for in the case of preliminary lists A copy of the corrected street list of each election district shall forthwith be publicly posted at the polling place of such district Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Petitions to Strike Off Names Any qualified elector including any watcher registrar or inspector of registration of the city may file his petition with the commission praying for the cancellation of the registration of any registered elector of the city upon such grounds as he may set forth in such petition under oath One of the commissioners shall fix a time and place for hearing such petition not later than five days before any fall primary or ten days preceding any election or spring primary and the petitioners shall cause forty-eight hours notice of the proceeding to be given to the person whose registration is in question by leaving a copy of the petition with the time and place fixed for hearing the same indorsed thereon with an adult person at his place of residence as given by him and recorded in the registers and upon proof of service of such notice or proof that there is no one residing at the address given the commissioners shall proceed with a public hearing of the petition notice of which shall be mailed by the commission to the city chairman of the political party in which such elector may be enrolled at least forty-eight hours prior to the time set therefor Any person whose name appears on a register shall be deemed prima facie to be legally registered at the place given as his residence on the registration card and in such cases the failure of such person to appear at the hearing shall not be considered sufficient reason for removing his name from the register The burden of proving that such person is not a resident of the election district in which he is registered or that for any other reason his name appears illegally thereon shall be upon the petitioner and such proof shall be made by evidence which would be legal and competent before a court of record produced at such hearing but the Commission if satisfied after the production of such evidence that the said person is not legally entitled to be registered shall cancel the registration of such elector and amend accordingly the general and district registers and the other records affected

Section 34 Delivery of District Registers to County Commissioners (a) Not later than noon of the second day preceding an election or primary the commission shall deliver to the county commissioners of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county commissioners the registration card for use at the polls on election day of any person who has removed from one election disrtict to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county commissioners

(b) District registers when so delivered to the county commissioners shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 35 Persons Registered are Entitled to Vote District Register as Ballot Check List Voting Check List Made at Elections Challenging of Persons Registered Return of Lists (a) Any person whose name is in the district register of any election district in such city shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) Any person who is registered and also enrolled as a member of a political party may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership Provided That no elector registered and enrolled as a member of any one particular party shall be allowed to receive or vóte the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for the same at any primary election

(c) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary in such city without being registered as an elector in the election district in which he offers to vote as provded by this act except by order of the court of common pleas as herein provided regarding appealed cases and any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall subscribe to an affidavit as to his identity or continued residence in the election district and shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and shall produce such other evidence as may be required to satisfy the election officers of his identity or continued residence in the election district and if challenged as to betting or as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(d) The district register hereby provided for shall be used at each election and primary in such city by the election officers in the place of the register known as the ballot check list heretofore required by law As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register

At each primary and election one of the election officers shall make a list of persons voting by writing down the name and address of each elector as he is found qualified to vote and as he is handed his ballot or goes into the voting compartment containing the voting machine as the case may be the election officer shall mark a "V" in front of such name The list of names so taken and marked shall be known and thereafter used as the "voting check list" After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The voting check list and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 36 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined and shall enter the date of the election or primary in the proper space on the registration affidavits in the general register of each elector whom the district register indicates as having voted

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(c) The commission specifically shall compare the signature of the elector on each challenge affidavit made by voters when challenged at an election with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of the challenge affidavits and registers hereby prescribed

(d) Whenever the registration affidavits of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration affidavits in each register a supplemental card Each supplemental card shall be printed in a color different from the registration affidavits It shall have the same serial number as the registration affidavit followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration affidavit Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other date required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration affidavit to which it relates by permanent fasteners in such a manner that the contents of the registration affidavit may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration affidavit of any elector the registration affidavit shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 37 Cancellation of Registration Upon Failure to Vote During Two Successive Years Starting immediately after the municipal election held in the year one thousand nine hundred and thirty-five and immediately after each general municipal and primary election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector whom such record shows as having failed to vote during any two successive years after his registration the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has failed to vote during two successive years and that in order to be qualified to vote at any subsequent election he must again be registered by personal application in the manner provided by this act

Section 38 Cancellation Removal and Preservation of Registration Affidavits Posting of Cancelled Names Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it The names and addresses of all persons whose registration is cancelled by the commission shall be arranged according to districts and in alphabetical order within each district and posted in plain view in the office of the commission as follows All names so cancelled during one calendar month shall be posted on the first day of the succeeding month and shall remain until the last day of such month In addition thereto all names so cancelled during the fifteen days immediately preceding any primary or election shall be posted within twenty-four hours of such cancellation and shall remain for fifteen days after such election or primary All such lists shall be posted in such a place that the public may have easy access to them at all hours when the office of the commission is open for business

Section 39 Appeals to Court Hearing (a) Any person whose claim for registration has been denied by the commission or whose registration has been cancelled by the commission or any qualified elector of the city whose rights are impaired by any order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to strike off or remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any fall primary or any eighth day preceding any election or spring primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter indispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered de novo unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election offices of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

Section 40 Production of Documents Et Cetera at Appeals Upon service of subpoena by any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commissioners shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless they shall deem it expedient to do so

Section 41 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses and all witnesses so subpoenaed shall be paid two dollars each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said court if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission and the appellant until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall

disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission or for the appellant taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 42 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission of refuses to obey its subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

(b) Any wilful false statement made under oath or in writing stating that it is so made although such oath may not have actually been made by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court of commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or undergo an imprisonment of not more than two (2) years

(c) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than five (5) years

(d) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than three (3) years

(e) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service as aforesaid or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than five (5) years

(g) Any commissioner registrar inspector of registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand ($1,000) dollars or to undergo an imprisonment of not more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioners or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioners or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars or to undergo an imprisonment of not more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed therein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred ($500) dollars

Section 43 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall be in force and take effect upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 44 Repeal of Prior Laws Proviso (1) The act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-seven) entitled "An act to provide for the personal registration of electors as a condition of their right to vote at elections and their enrollment as members of political parties as a further condition of their right to vote at primaries in cities of the first class of this Commonwealth by removing from office all existing registration commissioners and their appointees in said cities and authorizing the Governor to appoint registration commissions therein defining the jurisdiction of said commission and the powers and duties of the commissioners constituting same and of their appointees including registrars inspectors of registration clerks and counsel fixing their qualifications terms of office and compensation granting them certain immunity from arrest on registration days and empowering such inspectors to arrest without warrant certain persons committing certain offenses in violation of this act in their presence as well as to enter and inspect buildings given as residences of electors to interrogate the inmates thereof to copy or demand a list of the lodgers therein and to supervise the conduct of registrars regulating the registration of electors at polling places by registrars and at the offices of commissions by commissioners and the right of parties or bodies of electors to

have watchers thereat and the preparation and use of street lists and other records of those registered allowing the names of persons not entitled to vote to be struck from the registers in certain cases permitting all records regarding registration to be inspected and copied by any elector under certain conditions directing how the registers shall be used at elections and primaries compelling the attendance of witnesses and payment of witness fees and providing penalties for refusal to obey subpoenas directing receivers of taxes to appoint chief clerks of commissions as deputies to collect poll taxes and to give receipts therefor authorizing such clerks to administer oaths sign subpoenas and vouchers and to collect and disburse witness fees prescribing a method for challenging persons applying for registration and the procedure for the correction of registers and for appealing from actions of registrars to said commissions and allowing for appeals from the decisions of the commissions in certain cases to courts of common pleas imposing certain duties upon election officers and upon the councils treasurers controllers receivers of taxes police officers and other officials of said cities and upon the courts judges prothonotaries sheriffs commissioners peace officers and other officials of the judicial districts and counties in which said cities are situated or with which they are coextensive legalizing certain acts required hereby if done on any Sunday or legal holiday requiring said cities to provide for the maintenance of said commissions and the compensation of their appointees and the payment of all expenses necessary to carry out the provisions of this act and to transfer the unexpended balances of all appropriations heretofore made for the personal registration of electors of said cities during the year one thousand nine hundred and nineteen to and for the use of the said commissions punishing and fixing penalties for violations hereof and repealing all legislation inconsistent herewith" and the amendments and supplements thereof are hereby repealed

(b) All other acts or parts of act in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) Provided That the provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1059 (House Bill No. 483), entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such township to phohibit and regulate the manufacture sale and exposure of fireworks and other inflammable materials imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1068 (House Bill No. 1568), on second reading, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough fiscal records to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1124 (House Bill No. 2134), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authoried to engage in a banking business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section one thousand three of that act as last amended by the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 520 Purchases from and Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its

officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made upon terms not less favorable to the institution than those offered to ny other corporation or person and unless such purchase is made in the regular course of business or is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of an incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made upon terms not less favorable to the institution than those offered to any other corporation or person and unless such sale is made in the regular course of business or authorized by the vote of a majority of all the members of the board of directors or the board of trustees of an incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 1003 Interest on Deposits A A bank or a bank and trust company shall have the power to credit and pay on all deposits such interest as may be established from time to time by agreement or regulation Such interest shall be paid to the respective depositors or credited to their accounts at least annually and in the case of certificates of deposit interest shall be paid or accrued at least annually The department may from time to time limit by regulation the maximum rate of interest which may be paid by a bank or a bank and trust company may classify deposits according to maturities locations of banks and of bank and trust companies conditions respecting receipt withdrawal or repayment or otherwise as may be deemed advisable in the public interest and may prescribe different maximum rates for deposits of different classes

B A bank or a bank and trust company shall not credit or pay any interest on any deposit for a longer period than it has been deposited with the bank or bank and trust company except that deposits made not later than the fifth business day of the month or deposits withdrawn upon one of the last three business days of the month ending any annual semi-annual or quarterly interest period may have interest declared upon them for the whole of the period or month in which they were so deposited or withdrawn It shall also be lawful for deposit accounts closed between interest periods to be credited with interest computed from the last interest period to the date when closed

Section 1204 Interest on Deposits A Anything in its articles to the contrary notwithstanding a savings bank shall have the power to credit any pay on all deposits such interest not however exceeding five per centum per annum as may be established from time to time by agreement or regulation provided that the department may from time to time limit by regulation the maximum rate of interest which may be paid by a savings bank may classify deposits according to maturities location of savings banks conditions respecting receipt withdrawal or repayment or otherwise as may be deemed advisable in the public interest and may prescribe different maximum rates for deposits of different classes Such interest shall be paid to the respective depositors or credited to their accounts at least annually and in the case of certificates of deposit interest shall be paid or accrued at least annually

B The trustees shall not declare or allow interest on any deposit for a longer period than it has been deposited with the savings bank except that deposits made not later than the fifth business day of the month or deposits withdrawn upon one of the last three business days of the month ending any annual semi-annual or quarterly interest period may have interest declared upon them for the whole of the period or month in which they were so deposited or withdrawn It shall also be lawful for deposit accounts closed between interest periods to be credited with interest computed from the last interest period to the date when closed

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1148 (House Bill No. 893), as follows:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any policeman or fireman of any city (except of the second class A) borough town or township who is injured in the performance of his duties and by reason thereof is temporarily incapacitated from performing his duties shall be paid by the municipality by which he is employed his full rate of compensation until the disability arising therefrom has ceased All medical and hospital bills incurred in connection with any such injury shall be paid by such municipality

Section 2 No absence from duty of any such policeman or fireman by reason of any such injury shall in any manner be included in any period of sick leave allowed such policeman or fireman by law or by regulation of the police or fire department by which he is employed

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1158 (House Bill No. 2138), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of

fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunites of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person thereof and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1179 (House Bill No. 290), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon orders and only when there are sufficient funds available for the payment of such orders.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECONSIDER SENATE BILL NO. 1158 (HOUSE BILL NO. 2138)

Mr. COYNE. Mr. President, I move to reconsider the vote by which Senate Bill No. 1158 (House Bill No. 2138) entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiducirary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was not agreed to.

MOTION TO RECOMMIT BILL

Mr. COYNE. Mr. President, I move that Senate Bill No. 1158 (House Bill No. 2138) be recommited to the Committee on Banking.

Mr. BATCHELOR. Mr. President, I second the motion.

A division being called for, eleven Senators voted in the affirmative and eighteen in the negative; whereupon, the question was decided in the negative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1195 (House Bill No. 2332), as follows:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases in which the period of limitation of the warrants of the duplicates of the county poor road city township ward school and borough tax collectors have expired and in case where the power and authority of the said tax collectors have expired or shall expire during the year one thousand nine hundred and thirty-four by virtue of the expiration of their terms of office and said tax collector or collectors have or shall become personally liable for the taxes contained in said duplicates and warrants or any part thereof by reason of the personal payment or otherwise by said tax collector or collectors of the said taxes or any part thereof without having recovered or collected the same from the person or persons against whom they have been levied and assessed or without having recovered or collected the same from the person or persons owning the property against which the said taxes have been assessed and levied the said duplicates and warrants and the power and authority of the said tax collectors in all such cases are hereby revived and extended for a period of two years after the passage of this act and the said tax collector or collectors their executors and administrators if they are deceased or either surety or sureties are hereby empowered to proceed and collect said taxes from all such persons who have not paid them residing in said district within which said taxes are assessed as well as from all persons who may remove or have removed from said city ward township or townships or boroughs and have neglected to pay the taxes aforesaid assessed with the like effect as if said warrant or warrants had not expired or the term of office of said tax collector had not expired Provided That the provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and ninety-four and nothing in this act shall release any bondsman or security Provided That this act shall not apply to cities having special laws on this subject Providing also That no collector or the sureties thereof who take advantage of this act shall be permitted to plead the statute of limitations in any action brought to recover the amount of any duplicate or warrant so extended or renewed Provided further That no statute of limitations shall prevent the collection of any tax for which the warrants and powers and authorities of the said tax collectors have been so as aforesaid extended renewed and revived.

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 1227 (House Bill No. 2051), entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1229 (House Bill No. 2056), as follows:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining commission hereinafter created upon application of the Secretary of Highways the county or [is hereby authorized to enter into agreements with] the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages [specifying] is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workers for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid the President Judge of the Court of Common Pleas of the county in which the highway is situated who shall be the Chairman thereof one member of the Public Service Commission or an engineer designated by it the Secretary of Mines or his designated representative the Secretary of Highways or his designated representatives and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This Commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the Court of Common Pleas of the county in which the highway is situated a majority of the Commission of which the Chairman must be one may act for and exercise the powers of the Commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of Courts of Common Pleas

Section 2 That section three of the said act is hereby amended to read as follows

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of [laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement] this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimbuse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This Act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquistion of such easement

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1242, entitled:

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-

three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" is hereby amended to read as follows

Section 4 The subordinate assessors shall make the assessment and valuations of all property taxable for State or county purposes together with a list of all persons taxable upon occupations within their respective districts and in so doing shall view all property in their districts taxable for such purposes and shall make a personal house-to-house canvass of their district in order that such lists of persons taxable upon occupations may be accurate and correct in so far as it is possible to so make them Provided however That for the assessment and valuation of all real property within the territorial limits of cities of the second class the Board of Assessors of said cities shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said Counties on or before the first day of January of each year a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities And provided further That in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery (of such property not included in the certified duplicate furnished annually by the Board of Assessors of said cities of the second class) All such assessors who shall fail to make such assessments and lists in the manner as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days.

On the question,

Will the Senate agree to the section?

Mr. McGINNIS. Mr. President, I move to amend page 4 Section 4, line 2—insert after the word "machinery" the following: "used in manufacturing in an mill or manufactory"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessors in so far as respects the assessment of property and occupations for State and county purposes" providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Senate Bill No. 1290, on second reading, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three entitled "An act relating to taxation designating the subjects property and persons subject to an exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, this bill, Senate Bill

No. 1290, deals with a situation in the field of taxes, having to do with assessors of properties in all counties in the State. The amendment proposes that if the appellant objecting to the assessment wins his appeal, the money he has put up, or the difference between the assessment and the agreed lower assessment, should not be paid back to him but should be credited against any other real estate he might own; or, depending on the opinion of the Court, the Court might order as much of it as it seems to the Court should be paid in one year, the balance of it to be paid later.

I suggest, in the absence of the sponsor, that inasmuch as the owner, or appellant, rather, may not own the property at the time the appeal is decided, or may not have any other real estate against which this may be credited, this would be given an unfair deal; and, in the absence of the sponsor of the bill, I suggest that it go over in its order or be referred back to committee.

Mr. STAUDENMEIER. Mr. President, this bill came out of the Committee on County Government, in connection with another bill that also came out of Committee on County Government; and the differences of the various factions involved were ironed out today.

Mr. PRESIDENT. I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1369 (House Bill No. 2212), entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1398, as follows:

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a commission consisting of the Chairman of the Pennsylvania Historical Commission the Secretary of Forests and Waters the Secretary of Highways and four other persons appointed by the Governor whose duty it shall be to compile edit publish and distribute a pamphlet or pamphlets descriptive of points of scenic and historic interest for the use of citizens and travelers

The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission created by this act to pay the compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing the pamphlet or pamphlets provided for by this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1401 (House Bill No. 9), as follows:

An Act to amend clause 1 of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause 1 of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

1 Lighting Fire Protection To light and illuminate the streets highways and other public places of the township with electric light gas or other illuminating medium and to provide for defraying the cost charges and expenses thereof from revenues derived from the general road tax and for such purposes to enter into contracts or agreements with any person copartnership association or corporation for a period not exceeding five years for the purposes of securing and maintaining a supply of light.

To provide for the protection of property from fire and for such purposes to erect and place fire hydrants and purchase the necessary hose or to enter into contracts with water companies for the erection and placing of fire hydrants along the highways and to provide for defraying the cost charges and expenses thereof from revenues derived from the general road tax

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1469, as follows:

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the poor and/or the county commissioners in the several counties and providing penalties

Be it enacted by the Senate and House of Representa-

tives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That the following terms as used in this act shall unless the context indicates otherwise have the following meanings

(a) The word "burial" shall be considered to include the care preparation and disposition of the bodies of deceased persons from the time of death through actual interment including simple funeral services and shall include the following Casket and if requested by claimant an outside wooden box clothing embalming hearse and one automobile grave including opening and closing thereof

(b) The word "indigent" shall have reference to any deceased person whose estate together with the estate of a relative or friend if any who claims the body of such person is insufficient to defray reasonable burial expenses

(c) The word "relative" shall include any person related to an indigent deceased by blood or marriage not more remote than grandparents and grandchildren brothers or sisters-in-law and first cousins

(d) The words "County Commissioners" shall include the County Commissioners individually or their agents duly authorized to perform the duties prescribed by this Act

(e) The word "claimant" shall include any person or social agency entitled under Section 2 to make request for burial at public expense

(f) The words "funeral director" shall include any individual partnership corporation or unincorporated association engaged in the business or profession of funeral directing undertaking or the care embalming disposition or burial of the bodies of deceased persons whether such person shall use the title of "Undertaker" "Undertaker and Embalmer" "Embalmer" "Funeral Director" "Mortician" or other term of similar import

Section 2 (a) That in case of the death within this Commonwealth of any individual whose estate is shown upon reasonable investigation to be insufficient to defray reasonable burial expenses any relative or friend of such deceased person or any social agency may without cost to himself within thirty-six hours after death claim the body of such person from any institution private or public or from any public officer including agents of the Anatomical Board in whose possession the body may be

(b) Where any such claim is made the claimant may request from the Directors of the Poor of the poor district in which the deceased has died in counties where such officers exist and in other counties from the County Commissioners a burial at public expense It shall thereupon become the duty of the Directors of the Poor or the County Commissioners as the case may be upon whom such demand has been made to make a reasonable investigation into the financial status of the deceased and of the claimant A report from a recognized social agency and an affidavit by the claimant as to financial condition shall be deemed a sufficient investigation If it appears that the estates of the deceased and the claimant are unable to bear the expense of burial and that the claim is made in good faith then the request so made for burial at public expense shall be granted upon the terms and conditions hereinafter set forth

(c) The provisions of paragraph (b) of this section shall also be applicable where by virtue of the indigent deceased having died at his home or other private place no claim pursuant to paragraph (a) of this section is necessary provided a person who would be entitled to make such claim makes due request of the Directors of the Poor or the County Commissioners as the case may be for a burial at public expense

Section 3 (a) Where any deceased person is entitled to burial at public expense by virtue of having been claimed by a relative pursuant to Section 2 hereof such relative claimant shall have opportunity to select a funeral director of his own choosing who shall be employed by the Directors of the Poor or by the County Commissioners as the case may be

(b) Where no selection of a funeral director is made by a relative claimant pursuant to the preceding paragraph and in cases where a body has been claimed by a friend of the deceased or by social agency and in case of indigent death where there is no claimant including instances where bodies shall have been rejected by the Anatomical Board the Directors of the Poor or the County Commissioners shall themselves select and employ a funeral director in accordance with the following procedure

(1) All Directors of the Poor and in counties where they do not exist the County Commissioners shall annually procure from the State Board of Undertakers a certified list of licensed funeral directors within their respective districts

(2) If the residence of the deceased as stated in his death certificate shall have been in the county where the claim is made then the funeral director shall be the one whose place of business is in closest proximity to the former residence of the deceased

(3) If the residence of the deceased shall have been outside the county where the claim is made or is unknown or if the deceased shall have died in a hospital or public institution without other known residence within the county where the claim is made then the funeral director shall be selected by rotation from said certified list Any other situations with reference to residence which may arise shall be governed by regulations prescribed by the Department of Health

(4) In selecting funeral directors under the provisions of this section the Directors of the Poor or the County Commissioners shall give preference so far as possible to funeral directors of the same race as the deceased

Section 4 In all cases of burial at public expense of indigents as required by this or any other act or acts the expense of such burial shall be borne by the county where the deceased shall have been buried and shall be the sum of $75.00 for the body of any person over ten years of age the sum of $60.00 for the body of any person between the age of one and ten years and the sum of $30.00 for each stillborn infant or infant up to one year of age In cases where by virtue of no claim for a body having been made there is no funeral service the sums payable by the county shall be $15.00 less in each of the classes above enumerated

Section 5 It shall be the duty of every funeral director licensed by this Commonwealth properly to conduct the arrangements for burial of any body or bodies which may be assigned to him under the provisions of this Act

Section 6 Each funeral director who conducts a burial under the provisions of this Act shall submit his bill to the Directors of the Poor or the County Commissioners as the case may be and shall attach thereto an affidavit executed by him stating the name and age if known of the deceased the date of death and date of burial name of claimant if any whether or not funeral services were held that the affiant has conducted the burial pursuant to the specifications prescribed in Section 1 (b) of this Act and that he has not made or collected any fees or charges from any individual or in any manner an amount whatever on account of said burial

Section 7 It shall be unlawful for any funeral director who conducts a burial pursuant to the terms of this Act to make or collect any fees or charges from any private individual or in any manner and amount other than is provided for in this Act Violation of this provision shall be a misdemeanor and punishable by a fine of not more than $1000.00 or imprisonment not exceeding one year or both

Section 8 This Act shall be construed liberally it being the intention of the legislature to provide for the proper burial of deceased indigent persons uniformly throughout the Commonwealth Where the singular number is used it shall include the plural number and conversely the plural may also mean the singular Where the masculine gender is used it may be construed to mean the feminine

Section 9 Nothing in this Act shall affect the right of the Anatomical Board to receive such bodies as it is entitled to receive under the provisions of the Act of June thirteen one thousand eight hundred eighty-three Pamphlet Laws one hundred nineteen Section two as amended except where the body is claimed by relatives or friends

of the deceased person or by a social agency nor shall this Act apply to soldiers sailors or marines

Section 10 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1472, entitled:

An Act defining the powers of persons partnerships associations or corporations operating cemeteries and burial grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person partnership association or corporation operating a cemetery or burial ground whether incorporated as a business or non-profit corporation or organized and operated in any other manner shall be authorized and empowered to make rules and regulations governing the conduct of the cemetery or burial grounds and shall have power to act in the following respects

(a) The establishing organizing owning enclosing maintaining preserving caring for embellishing improving managing operating and conducting a cemetery community mausoleum or columbarium or a combination thereof and all of the administrative acts necessary or incident thereto except as hereinafter provided and limited

(b) The operation and maintenance of nurseries greenhouses and landscape gardening activities within the cemetery for the embellishing and beautifying of the cemetery grounds and the sale by the cemetery to its own lot owners for use within the cemetery of such surplus shrubbery plants and flowers grown within the cemetery as may not be required for such embellishment of the cemetery

(c) The sale of graves lots sections and spaces and crypts in mausoleums and niches in columbariums and corner posts and other markers to define the boundaries and locations of lots single graves or other subdivisions of a cemetery and the doing executing and performing all the transactions specifically or peculiarly incident to the sale of such property as is above specifically detailed

(d) All acts and functions necessary or incident to the actual interment of the human dead or the cremated remains thereof including use and furnishing of lowering device grass and canvass lining of grave and tent

(e) The performing of such other functions as are reasonable and proper functions of a cemetery agency

The second section of the bill was read as follows:

Section 2 The limitations and exceptions to the above are as follows and the powers and functions of cemeteries shall not include

(a) The conducting of funerals or practicing as a funeral director

(b) The owning operating or financing of a mortuary establishment either directly or indirectly

(c) The manufacture purchase sale or dealing in any kind of funeral merchandise or supplies such as grave boxes and individual burial vaults to be interred wholly underground caskets robes or clothing for use in interment in its cemetery or any other cemetery

On the question,

Will the Senate agree to the section?

Mr. BATCHELOR. Mr. President, I move to amend section 2, page 3, line 9, by inserting after the word "cemetery" the following: "Provided, however, That the provisions of this act shall no tbe construed to affect the rights of persons, partnerships, associations or corporations operating cemeteries and burial grounds from building or constructing walled graves of concrete, brick or any other suitable material"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections of the bill were read as follows and agreed to:

Section 3 For the purpose of enforcing the provisions of this act the common pleas court of any county where the cemetery or burial ground is located shall have jurisdiction to enjoin or restrain the enforcement of any regulation or the doing of any act inconsistent with or in violation of the provisions of this act

Section 4 It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 5 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act defining the powers of persons partnerships associations or corporations operating cemeteries and burial grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING POSTPONED FOR THE PRESENT

Mr. McGINNIS. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 1428, (House Bill No. 1418) on second reading postponed for the present, entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporated surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring

Will the Senate agree to the bill on second reading?

Mr. McGINNIS. Mr. President, I move to amend page 3, line 12, by striking out after the word "Of," the words "one cent" and insert in lieu thereof the words "two cents"; amend page 6, line 2, by striking out after the word "of," the words "one cent" and insert in lien thereof the words "two cents."

Mr. FRY. Mr. President, I second the motion.

On the question

Will the Senate agree to the amendment?

Mr. McGINNIS. Mr. President, I desire to state this tax is for one year.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, whether this is a tax of two cents on gasoline for the coming year—an additional two cents, and a tax of one cent for the following year. Is that correct?

Mr. McGINNIS. Mr. President, yes.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, do I undersand the purpose of this amendment is to replace the mercantile tax for the sum that we would have realized from the mercantile tax, which was defeated yesterday, and the check tax, which is on the postponed Calendar?

Mr. McGINNIS. Mr. President, that is right. I stand corrected: the two cents is for two years.

And the question recurring,

Will the Senate agree to the amendment?

Mr. McGINNIS. Mr. President, I desire to withdraw the amendment ,and ask that the bill be returned to the postponed Calendar.

The PRESIDENT. The amendments are withdrawn. Does the Senator from Allegheny, Mr. McGinnis, desire to make a motion to have the bill placed on the postponed Calendar?

BILL OVER IN ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 1428 (House Bill No. 1418), go over in its order.

The PRESIDENT. Is there objection? The chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1480 (House Bill No. 2742), entitled:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

MOTION TO RECESS

Mr. FREY. Mr. President, I move that the Senate do now recess for fifteen minutes.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I ask for a roll call. I object.

Mr. FREY. Mr. President, I withdraw the motion.

The PRESIDENT. Does the Senator from Fayette, Mr. Cavalcante, withdraw his seconding of the motion?

Mr. CAVALCANTE. Mr. President, I withdraw my seconding of the motion.

The PRESIDENT. The motion to recess is withdrawn.

MOTION TO RECESS

Mr. HARRIS. Mr. President, I move that the Senate do now proceed to the consideration of the remaining bills on second reading, and that immediately thereafter the Senate do recess for fifteen minutes.

Mr. RANKIN. Mr. President, I second the motion.

The PRESIDENT. The Chair suggests that the motion to recess be withdrawn until consideration of the remaining bills on second reading is completed.

Mr. HARRIS. Mr. President, I withdraw the motion.

Mr. RANKIN. Mr. President, I withdrawn my seconding of the motion.

The PRESIDENT. The motion to recess is withdrawn.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1482, as follows:

BILLS ON SECOND READING

An Act to amend section one thousand three hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand three hundred two of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "The General Borough Act" is hereby amended to read as follows

Section 1302 Special levy to pay debts In addition to the levy provided for in the preceding section when it shall be shown to the court of quarter sessions of the county that the debts due by any borough exceed the amount which the borough may collect in any one year by taxation or when the proper officers refuse or neglect to levy a sufficient tax to pay the same the court may after ascertaining the amount of such indebtedness of the Borough direct a writ of mandamus to the proper officers of such borough to collect by special taxation an amount sufficient to pay the same in one or more annual instalments as may be adjudged reasonable by said court during such years as may be required for the payment of the same Provided that no additional levy shall be allowed hereunder to pay for on existing contracts current obligations or salaries which are or may be ascertained at the time the General Levy is made under the preceding section nor shall an additional levy be allowed to pay for debts voluntarily incurred after the General Levy for the year has been fixed

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1489 (House Bill No. 1943), as follows:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and thirty-five for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred three) entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries and making an appropriation"

Section 2 In addition to the appropriation made by section one of this act the sum of one thousand four hundred seventy-three dollars and eight cents ($1,473.08) is hereby appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the Department for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes as provided by law during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to the Department by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Department of Public Instruction out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1490 (House Bill No. 2048), entitled:

An Act to amend sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohbiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes

And said bill having beeng read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1492 (House Bill No. 2145), entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1509, as follows:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue and defining its powers and duties

Whereas The Commonwealth has adopted an elabgrate system of laws designed to assure safety on the highways but notwithstanding these laws and efforts at their enforcement through State and local agencies and periodic inspections and campaigns of education in which the public school and many public-spirited organizations have joined accidents continue to mount annually and

Whereas There were in Pennsylvania alone in one thousand nine hundred thirty-four fifty-two thousand one hundred fifty-seven automobile accidents resulting in the death of two thousand seventy-five persons and the injury of fifty-one thousand eight hundred forty-seven while in the nation the same year three hundred eighty-one thousand nine hundred ten accidents resulted in the death of eight thousand five hundred seventy persons and the injury of five hundred three thousand seven hundred ten and

Whereas Statistics show that twenty-three persons are killed annually in this State for each one hundred thousand eighty-eight for each one hundred thousand cars

registered and almost twenty-two for each ten million gallons of gasoline consumed and

Whereas The experience of other states has been that by providing proper administrative agencies by coordinating safety work in the field of enforcement engineering and education and by engaging in never-ending safety campaigns much may be accomplished to reduce the number of highway accidents therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a Highway Accident Prevention Commission which shall be a departmental administrative commission in the Department of Revenue

The commission shall be composed of the Secretary of Revenue the Secretary of Highways the Superintendent of Public Instruction the Chairman of the Public Service Commission the Superintendent of the Pennsylvania State Police the Superintendent of the Highway Patrol and the executive director hereinafter provided for

Four members of the commission shall constitute a quorum

The Governor shall appoint an executive director who shall be a member and chairman of the commission and who shall receive such salary as the Governor may determine

The commission shall have all the powers and perform all the duties generally vested in and imposed upon departmental administrative boards and commissions by the administrative code

The members of the commission other than the executive director shall not receive any additional compensation but shall be reimbursed for all expenses necessarily incurred in the discharge of their duties

Section 2 It shall be the duty of the Highway Accident Prevention Commission

(a) To formulate and develop plans and methods for increasing safety on the public highways and prevent accidents and supervise the execution of such plans and methods

(b) To promote education on highway safety in the public schools and elsewhere and supervise the conduct of classes in schools for the education of pupils contemplating becoming operators of motor vehicles

(c) To conduct never-ending campaigns of safety education

(d) To ascertain highway accident hazards and devise plans for their elimination

(e) To study the feasibility of providing a center separation of traffic going in opposite directions

(f) To conduct traffic courts as an aid to the future development and construction of the highway system

(g) To coordinate the work of the several departments commissions and agencies of the State dealing with highway and traffic engineering law enforcement and education in methods of highway safety and to require reports to be made to it by any department board commission or agency of the Commonwealth

(h) To hold hearings revoke and suspend motor vehicle registrations and operating privileges for proper cause in accordance with law and to eliminate the reckless and irresponsible operator from the highways

(i) To receive accident reports and to compile analyze and publish accident statistics

(j) To approve and disapprove lighting devices and other motor vehicle equipment and to organize and promote periodic campaigns for the inspection of lighting devices brakes and other safety appliances on motor vehicles

(k) To degisnate official inspection stations and provide for their examination and to revoke privileges granted to such stations for proper cause

(l) To deal with complaints and consider suggestions made by the public with regard to safety measures

(m) To perform all such other duties as are now performed by the Division of Safety of the Department of Revenue and such other duties as may be assigned to it by the Secretary of Revenue and

(n) General to perform and exercise such functions as in the opinion of the commission will reduce the number of accidents on the public highways and safeguard life and property

Section 3 The Secretary of Revenue shall assign to the commission such personnel in accordance with the Administrative Code as may be deemed necessary to carry into effect the provisions of this act and shall fix their compensation which together with the salary of the executive director and expenses of the members of the commission shall be paid from the Motor License Fund

Section 4 The commission shall have power to assign to the executive director and other subordinates the performance of any of the duties imposed by this act and any member of the commission may assign any deputy or other person in his respective department commission or agency to sit as a member of the commission in his stead

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1510, as follows:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health for the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose and within the meaning of this act the following definitions shall obtain

"Milk" means milk skimmed milk cream sour milk sour cream buttermilk and all other fluid derivatives of milk except condensed milk and evaporated milk for manufacturing purposes

"Milk Products" means ice cream ice cream mix custard ice cream french ice cream frozen custard and other similar frozen products and all dairy products used in the manufacture thereof

"Certified Milk" means the product of dairy farms operated in accordance with the "Methods and Standards for the Production and Distribution of "Certified Milk" last adopted by the American Association of Medical Milk Commissions Incorporated" and the production and handling of which shall be certified to by a Commission instituted in compliance therewith

"Secretary" means the Secretary of Health of this Commonwealth or his authorized representative

"Person" includes singular and plural masculine and feminine and any individual firm co-partnership institution association or corporation thereof

"To Sell" "For Sale" or "Sold" and similar terms means the selling exchanging delivering or having in possession care control or custody with intent to sell exchange or deliver or to offer or to expose for sale

"Dairy Farm" is a place or premise where one or more cows are kept and a part or all the milk from which is sold or delivered to any person

"Milk Plant" is any place or premise or establishment where milk is collected separated processed stored bottled pasteurized or prepared in any manner for sale as milk or milk products

"Approved Inspector" is one who has proven to the satisfaction of the secretary to be a person of good character trained by school and experience to carry on dairy farm and milk plant inspection in a capable and efficient

manner and has received a certificate of approval from the secretary Applications for certificates of approval for Approved Inspectors shall be made on forms which may be secured from the Secretary of Health and shall be accompanied by a fee of ten ($10) dollars Certificates of approval shall expire on December thirty-first of each year Applications for renewal shall be made on forms satisfactory to the Secretary of Health and shall be accompanied by a registration fee of three ($3) dollars and shall be returned to the Secretary of Health not later than December fifteenth of each year Certificates of Approval shall not constitute an approved inspector an official employe agent or authorized representative of the Department of Health nor shall he represent himself so to be

Certificates of Approval may be refused suspended or revoked for cause upon such notice and subject to such conditions as the secretary shall deem necessary

"Municipality" includes any city borough town or township in this Commonwealth

Section 2 Except as hereinafter provided no person shall sell milk or milk products within this Commonwealth without first having obtained a permit from the "Secretary" nor otherwise than in accordance with the requirements of this act Each person desiring a permit to sell milk or milk products shall annually make an application therefor on a form to be secured from the "Secretary" Such Applicant shall set forth

(a) The name and address of the applicant

(b) The designations of the milk or milk products to be offered for sale

(c) The name of the municipality or municipalities in which the applicant desires to sell milk or milk products

(d) An accurate record of each milk plant owned or operated by the applicant for a permit

(e) Such other information as may be required by the "Secretary"

Permits shall be issued only to persons whose entire milk supply the farms where it is produced and the milk plants in which the milk or milk products is handled have been approved by the Secretary and in any case in which in his discretion he shall deem such action necessary for approval inspected by the Secretary Every permit shall expire annually

This section shall not apply to a person selling or delivering milk directly from a dairy farm to a milk plant

Unless the "Secretary" shall require a permit this section shall not apply to a person selling milk or milk products from a store when such milk products are purchased from a person already in lawful possession of a permit to sell milk or milk products

This section shall not apply to hotels restaurants soda fountains boarding houses or other places where milk or milk products is served when such milk or milk products is to be consumed on the premises thereof and is purchased from one already in lawful possession of a permit to sell milk or milk products

The "Secretary" may in his discretion exempt a person selling milk from not more than one cow from such requirements of this act as he may deem in each instance to be unnecessary for the protection of the public health

Section 3 Permits may be refused suspended or revoked by the "Secretary" if in his judgment the requirements of this act and the rules and regulations made in conformity herewith are not complied with by the person making an application for a permit or to whom a permit has already been issued

Before refusal to grant a permit or before a permit is suspended or revoked the secretary shall afford the applicant or holder of the permit an opportunity to be heard and shall give at least five (5) days written notice of the hearing to the applicant or the holder of the permit by registered letter sent to the address given in the application Any person aggrieved by a decision of the secretary either refusing to re-issue a permit or revoking a permit heretofore issued may file within five (5) days thereafter in the court of common pleas of Dauphin County a bill in equity against the secretary as defendant alleging therein in brief detail the action and decision complained of and praying for relief and jurisdiction is hereby conferred upon said court for hearing and disposing of such cases

Section 4 When an application for renewal of a permit has been regularly made and no notification of a hearing as above described has been sent the applicant by the secretary the permit of the preceding year shall continue in full force until renewed or revoked in accordance with Section 2 and Section 3

Section 5 The Secretary may constitute as his agent for the purpose of issuing permits for the sale of milk or milk products a department of health board of health or health officer of any municipality and shall accept permits issued by municipalities under the terms of municipal ordinances equally as stringent as the requirements of this act and enforced by such municipalities as the only permit required for the sale of milk or milk products in such municipalities

Section 6 Every person having made an application for a permit to sell milk or milk products or holding a permit for the sale of milk or milk products shall at any time allow the "Secretary" to inspect the herds stables and dairy farms from which milk is obtained handled or prepared for sale to inspect the milk plants pasteurizing bottling and handling of milk or milk products examine books and papers wherein a record is kept of the name and address of each person from whom "milk" or "milk products" is purchased the amount of "milk" or "milk products" purchased and the date on which the "milk" or "milk products" was purchased in any manner whatsoever and to take such samples of milk or milk products as may be deemed necessary upon payment therefor at the usual market price when payment is demanded The "Secretary" shall have the power to subpoena for the purpose of any hearing all books and records of any permit holder or of any other corporation or person in any case in which records in its or his possession or over which it or he has control is reasonably necessary to the proper conduct of the affairs of the Secretary under this act

Non-compliance with the provisions of this section by a permit holder is hereby specifically declared to be a violation of this act and subject to the penal provisions hereof and shall be sufficient grounds for the revocation of the permit of such permit holder

Section 7 No person shall sell milk that does not bear prominently the designation "Certified Milk" or "Raw Milk" or "Milk for Pasteurization" or "Pasteurized Milk" Other designations may be used with the designation of "Raw Milk" or Pasteurized Milk" provided the definition of such designation is filed with and approved by the "Secretary"

No person shall sell milk products that do not bear prominently the name and address or code number of the processor or manufacturer the kind of milk products offered for sale and the name and location of the milk plant in which the milk products is processed or manufactured

Section 8 "Raw Milk" shall be produced and handled in the following manner

(a) "Raw Milk" shall be milk from a cow or cows determined by physical examination and tuberculin tests conducted in accordance with the rules regulations and practices of the State Department of Agriculture pertaining to the individual accredited herd plan or the modified accredited area plan to be free from communicable disease

(b) The cows shall be fed watered housed and cared for in such a manner that the milk will be clean and free from disease-producing organisms

(c) The milking process shall be carried on in a cleanly manner The milk shall be promptly cooled The milk containers utensils and equipment shall be of such material and so constructed that they may be readily cleaned The milk and the cleansed containers utensils and equipment shall be protected from flies

(d) A milk house or milk rooms which are properly constructed lighted ventilated drained and kept clean shall be provided and used exclusively for the handling of "Certified Milk" or "Raw Milk" An adequate supply of steam or hot water shall be provided and used for cleansing milk containers and dairy utensils

(e) Every applicant for or holder of a permit to sell Raw Milk desiring to purchase milk for resale as Raw Milk shall receive permission from the "Secretary" before accepting milk from any source other than that given in the application for a permit All sources of Raw Milk shall be inspected and approved by the "Secretary"

Section 9 Every applicant for or holder of a permit to sell Pasteurized Milk or Milk for Pasteurization or milk

products shall keep an accurate record of the names and addresses of the owners or operators of all dairy farms from which milk is received This record shall be kept on file in the milk plant where the milk is received and shall be available at all times for the inspection of the Secretary

An accurate report of a sanitary inspection on all dairy farms from which milk is received and of the milk as delivered to the milk plant shall be kept on file in the milk plant The sanitary inspection shall be made semi-annually by an approved inspector at the expense of the applicant for or holder of a permit Such payment shall be made only by the applicant for or holder of the permit for the plant to which the milk from the farm which is or is to be delivered Such inspections may be made by the Secretary Within thirty days after demand by the Secretary additional inspections shall be made of any or all farms and reports thereon filed in the milk plant Inspection reports shall be made upon forms satisfactory to the Secretary

No applicant for or holder of a permit to sell Pasteurized Milk or Milk for Pasteurization or milk products shall receive milk from a dairy farm until the report of the sanitary inspection made by an approved inspector shall have been placed on file in the milk plant where the milk is received for the inspection and approval of the Secretary nor shall he receive milk or milk products from any milk plant owned or operated by another person who is not in lawful possession of a permit

No milk or milk products shall be received in any milk plant for any purpose unless such milk or milk products shall have been produced on dairy farms or acquired from milk plants approved by the Secretary or unless permission for the receipt of such milk or milk products shall be obtained from the secretary

Only milk or milk products may be prepared or processed in a milk plant

Section 10 "Milk for Pasteurization" shall be milk produced and handled in the following manner

(a) "Milk for Pasteurization" shall be milk from a cow or cows determined by physical examination and tuberculin tests conducted in accordance with the rules regulations and practices of the State Department of Agriculture pertaining to the individual accredited herd plan or the modified accredited area plan to be free from communicable disease

(b) The cows shall be fed watered housed and cared for in such manner that the milk will be clean

(c) The milking process shall be carried on in a cleanly manner The milk shall be promptly cooled The milk containers utensils and equipment shall be of such material and so constructed that they may be readily cleansed

(d) A milk house or milk rooms properly constructed lighted ventilated drained and clean shall be provided on the dairy farm producing milk for sale as "Milk for Pasteurization" and shall be used exclusively for the handling of such milk

Section 11 Milk containers in which "Milk for Pasteurization" is received in milk plants from dairy farms shall be thoroughly cleansed and dried before returning to the dairy farm

(a) Milk plants in which "Milk for Pasteurization" is received from dairy farms shall be properly constructed lighted ventilated drained and clean

(b) The milk plants in which "Milk for Pasteurization" is received shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary" Equipment before being installed shall likewise be approved by the Secretary

(c) "Certified Milk" or "Raw Milk" may be sold as "Milk for Pasteurization"

Section 12 "Pasteurized Milk" shall be milk produced and handled in the following manner

(a) "Pasteurized Milk" is milk heated to such a temperature and for such a length of time that all harmful organisms are destroyed

(b) "Milk for Pasteurization" shall be used in the preparation of "Pasteurized Milk"

The holder of a permit to sell "Pasteurized Milk" may purchase "Milk for Pasteurization" from a person in lawful possession of a permit to sell "Pasteurized Milk"

(c) Milk containers in which milk is received in milk plants in which milk is pasteurized shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant

(d) Apparatus for the pasteurization of milk shall be equipped with an accurate indicating thermometer and a recording thermometer of a type approved by the Secretary A true record of pasteurization as given by the recording thermometer shall be on file at the place where the milk is pasteurized

(e) Milk to be sold as "Raw Milk" may be received cooled and bottled in a building where milk is pasteurized providing all milk received in the building where milk is pasteurized meets the requirements for "Raw Milk" as set forth in this act

(f) The rooms of buildings in which milk is exposed during and after pasteurization shall be properly lighted ventilated drained and clean and shall be used for no other purpose than to provide a place for cleansed milk containers and utensils and for the handling of milk during and after pasteurization

(g) Milk during and after pasteurization and cleansed milk containers utensils and equipment shall be protected from flies

(h) Pasteurizing plants shall be provided with and use an adequate supply of steam or hot water for cleansing milk containers utensils and equipment

(i) Equipment with which milk comes in contact shall be constructed in such manner as to be easily cleansed Demountable apparatus with which milk comes in contact shall be taken apart and cleansed each day such apparatus is in use Surfaces with which milk comes in contact shall be of smooth non-corrosive material and free from open seams

(j) "Pasteurized Milk" shall be placed in the final container in the milk plant where the milk is pasteurized immediately after pasteurization

(k) The milk plants in which milk is received or pasteurized shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary" Equipment before being installed shall likewise be approved by the Secretary

Section 13 Adequate facilities shall be provided and used for furnishing clean containers free from injurious organisms in which to sell "Raw Milk" or "Pasteurized Milk" or "Milk for Pasteurization" or "Milk Products" Bottles or containers whether of glass or other material shall be filled and closed without any part of the hand coming in contact with the inner surface of the bottles or containers or in contact with bottle caps Caps shall be obtained in sanitary containers and kept therein until used

Section 14 Milk plants in which milk or milk products is handled received bottled or pasteurized shall be provided with sanitary adequate and conveniently located toilet facilities

Section 15 The water supply used in milk plants shall be sufficiently abundant for all purposes easy of access and free from contamination

Section 16 The Secretary of Health shall have the power to make requirements concerning the number and character of bacteria in milk and milk products after hearing

Bacteriological analysis of milk and milk products shall be made under the supervision of a laboratory the equipment and director of which have been approved by the Secretary of Health The bacteriological analysis of milk and milk products shall be in accordance with Standard Methods of Milk Analysis of the American Public Health Association and the Association of Official Agricultural Chemists last adopted unless special permission is given by the secretary for a modification of the above standard methods

Section 17 "Milk Products" shall be prepared from milk produced and handled in the following manner

(a) "Milk for Pasteurization" shall be used in the preparation of "Milk Products"

(b) The "Milk for Pasteurization" used in the preparation of "Milk Products" shall be pasteurized or otherwise treated as indicated by the "Secretary" before or during the preparation of "Milk Products"

(c) Milk containers in which "Milk for Pasteurization"

is received in milk plants for the preparation of "Milk Products" shall be thoroughly cleansed and dried before returning to a dairy farm or a milk plant

(d) The rooms of buildings in which "Milk Products" are exposed during and after preparation shall be properly lighted ventilated drained and cleaned and shall be used for no other purpose than to provide a place for cleansed containers and utensils and for the handling of "Milk Products"

(e) "Milk Products" during and after preparation and cleansed containers utensils and equipment shall be protected from flies

(f) Milkplants in which "Milk Products" are prepared shall be provided with an adequate supply of steam or hot water for cleansing containers utensils and equipment

(g) Equipment with which "Milk Products" come in contact shall be constructed in such a manner as to be easily cleansed Demountable apparatus with which "Milk Products" come in contact shall be taken apart and cleansed each day such apparatus is in use Surfaces with which "Milk Products" come in contact shall be of smooth non-corrosive material and free from open seams

(h) The milk plants in which "Milk Products" are prepared shall not be constructed nor altered until the plans and specifications thereof have received the approval of the "Secretary" Equipment before being installed shall likewise be approved by the Secretary

Section 18 The provisions of this act and the regulations made thereunder shall not be taken nor deemed to repeal existing municipal ordinances nor to prevent municipalities from enacting and enforcing new ordinances for the further protecton of the public health Provided That this act shall be considered as establishing uniform requirements and regulations and that nothing herein contained shall be deemed to prevent municipalities from ordaining and enforcing such additional requirements in excess of the requirements and regulations hereunder as may be deemed necessary from time to time for the preservation of public health and to require applications from and to issue permits to such persons as may be defined by local ordinances

Section 19 The advisory health board of the State Department of health is hereby authorized to adopt and promulgate rules and regulations for the proper enforcement of this act

Section 20 Any person violating any provisions of this act or rules and regulations pertaining thereto shall upon conviction thereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed be subject to a fine of not less than ten dollars ($10) and not more than fifty dollars ($50) for each offense to be collected by summary conviction as like fines are now collected by law or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not exceeding thirty days provided That any person convicted more than twice of violating the same provisions of this act or rules and regulations pertaining thereto shall be subject to a fine of not less than fifty ($50) nor more than two hundred and fifty dollars ($250) or in case of nonpayment of the fine to undergo imprisonment in the county jail for a period not less than thirty days nor more than six months

Prosecutions for violations of any of the provisions of this act and the regulations thereto shall be brought by the Secretary of Health or his agent or by any health officer of any municipality in this Commonwealth

All fines collected under this act shall be paid to the Secretary and by him into the State Treasury through the Department of Revenue

Section 21 Whenever in the opinion of the Secretary a given supply of milk or milk products is considered unsafe or a menace to public health the Secretary may seize condemn denature or destroy such milk or milk products without compensation to the owner or owners thereof

The general sanitary conditions of any place wherein milk or milk products are produced stored prepared or handled and its immediate surroundings shall be such as to insure a safe and clean supply of milk or milk products

The Secretary shall have the right to exclude from sale any part of a milk supply which may be considered unsafe or milk or milk products which is produced on dairy farms or handled in milk plants which fail to meet the requirements of this act

A satisfactory flush closet or sanitary privy shall be provided at all dairy farms where milk is produced or handled

Section 22 The Attorney General may at the instance of the Secretary in the name of the Commonwealth institute proceedings in equity in the court of Common Pleas of Dauphin County for the purpose of enjoining any person from offering milk or milk products for sale without a permit as provided in this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 23 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part thereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 24 The act of May second one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred twenty-nine) entitled "An act to safeguard human health and life by providing for the licensing and regulation of persons and entities dealing in milk for human consumption conferring powers and imposing duties on the Secretary of Health and the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" as amended by the acts approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred thirty-two) and the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-one one thousand nine hundred thirty-three one thousand nine hundred thirty-four) are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed

Section 25 The permits heretofore granted by the Secretary of Health under the terms of the Act of one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred twenty-nine) and the amendments thereto shall remain in full force and effect as permits under this act until such time as they respectively by their terms expire or until the Secretary shall revoke or suspend the same in accordance with his powers hereunder

Section 26 This act shall become effective immediately upon approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1510, the bill just read, be recommitted to the Committee on Agriculture.

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, thirty Senators voted in the affirmative and six in the negative; whereupon the question was decided in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1527, as follows:

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "fiduciary" as used in this act shall include guardians committees trustees and other fiduciaries whether domicillary or ancillary subject to the jurisdiction of the court of common pleas of any county of this Commonwealth

Section 2 Any such fiduciary holding moneys to be invested may invest such moneys in any investment in which at that time a fiduciary subject to the jurisdiction of the orphans' court of any county of this Commonwealth may invest like moneys

Section 3 If prior to the effective date of this act any such fiduciary shall have invested any such moneys in investments in which at the date of such investments a fiduciary subject to the jurisdiction of the orphans' court of any county of this Commonwealth may have invested any such investments are hereby ratified and validated with the same force and effect as though such investments had been made subsequent to the effective date of this act

Section 4 When any such fiduciary shall have in his hands any moneys to be invested as aforesaid he may present a petition to the court of common pleas having jurisdiction of his accounts stating the circumstances of the case and the amount or sum of money which he is desirous of investing whereupon it shall be lawful for the court upon due proof aided if necessary by the report of a master to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground-rents or in the bonds or certificates of debt now created or hereafter to be created and issued according to law by any other state of the United States or by any of the counties or cities of such other state at such prices or on such rates of interest and terms of payment respectively as the court shall think fit Provided That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate and no change be made in the course of succession by such invsstment as regards the heirs or next of kin of the cestui que trust And provided further That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any deed of trust or other instrument in regard to the investment of such moneys

Section 5 (a) When any such fiduciary shall have invested any such moneys as authorized herein or as authorized by any court of common pleas as herein provided such fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the deed of trust or other instrument creating the trust it being hereby declared that all such investments are legal investments of moneys by such fiduciaries

(b) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this act when such non-legal investment was received by such fiduciary pursuant to the terms of the deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment

(c) Nothing contained in this act shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such deed or other instrument

(d) Nothing contained in this act shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

Section 6 All acts or parts of acts inconsistent herewith are hereby repealed

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1528, as follows:

An Act to amend section thirteen of the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws forty-six) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" as amended prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr" before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws forty-six) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" as amended by section one of the act approved the sixth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred twenty-four) is hereby further amended to read as follows

Section 13 From and after the approval of this act no person shall enter upon or continue the practice of osteopathy in the State of Pennsylvania unless he or she has complied with the provisions of this act It shall be the duty of all persons now qualified and engaged in the practice of osteopathy or who shall hereafter be licensed by the State Board of Osteopathic Examiners to engage in such practice in this Commonwealth to register with the said State Board of Osteopathic Examiners as practitioners on or before the first day of January one thousand nine hundred and twenty-six and thereafter to register with said board in like manner annually on or before the first day of January of each succeeding year The form and method of such registration shall be provided for by such board in such manner as will enable it to carry into effect the purposes of this act The said State Board of Osteopathic Examiners shall be entitled to demand for each annual registration a fee of three ($3) dollars or such other sum as shall be fixed by the Department of Public Instruction under authority of law The fee shall in all cases accompany the application for such registration All fees received hereunder shall unless otherwise provided by law be used by the said board in carrying out the provisions of this act

Any person licensed and engaged in the practice of osteopathy who shall fail neglect or refuse to annually register with the State Board of Osteopathic Examiners as above provided shall be subject to a penalty for the first offense not to exceed twenty-five ($25) dollars and for and second or subsequent offense to a penalty not exceeding fifty ($50) dollars such penalties to be fixed by the Board of Osteopathic Examiners in its rules and regulations

The board shall notify any person so failing to register by registered mail of any penalty so imposed and if the

same is not paid within thirty days after receipt of said notice it may be collected by suit in the same manner as debts of like amount are now by law collectible All fines so imposed and collected shall be paid to the board and shall by it be paid into the State Treasury The Board of Osteopathic Examiners may also revoke the license to engage in the practice of osteopathy of any person who shall fail or refuse to register annually after notice of the imposition of a penalty as above provided

Any person who shall practice or attempt to practice osteopathy as defined in this act in treating diseases or any ailment whatsoever of the human body or who shall use any of the terms or letters osteopath osteopathists osteopathy doctor of osteopathy diplomat in osteopathy or D O or any other titles or letters under such circumstances as to induce the belief that the person who uses such terms is engaged in the practice of osteopathy without having first obtained the license herein provided for or contrary to the provisions of this act or who shall use the title "Doctor" or the abbreviation "Dr" before his or her name without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following his or her name or who shall under any other term or name practice or attempt to practice osteopathy as defined in this act or who for the purpose of obtaining such license shall falsely represent himself or herself to be the holder of a diploma as herein provided shall be deemed guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions of the county wherein the offense shall have been committed shall pay a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than ninety days for each offense either or both at the discretion of the court Provided however That nothing contained in this act shall be construed as egecting the so-called practice of medicine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1531, as follows:

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be unlawful for any corporation copartnership association or person to adopt as part of its corporate name firm name or fictitious name or use in any advertisement trademark or brand the name of any breed of dairy cattle such as "Jersey" "Guernsey" "Ayrshire" "Holstein" or "Brown Swiss" unless the product sold advertised or exposed for sale by such corporation copartnership association or person shall be produced from the breed of dairy cattle so named permission to use any such name having first been secured in accordance with this act Provided however That any corporation copartnership association or person complying with the provisions of this act shall be entitled to employ or use the word "Jersey" "Guernsey" "Ayshire" "Holstein" or "Brown Swiss" when each cow in his or its herd shall carry not less than fifty per centum of the blood of the breed name so used

Section 2 Any person copartnership association or corporation desiring to use the name of any breed of dairy cattle in connection with any advertisement trade-mark brand or sale of milk shall make application annually to the Department of Agriculture for permission to do so and upon proof to the satisfaction of the department that such person copartnership association or corporation is entitled to employ or use such name a permit shall be issued to such person copartnership association or corporation authorizing the use of such name and a separate permit shall be required for each herd Before any such permit shall issue the person copartnership association or corporation applying for the same shall pay to the Department of Agriculture a fee of one dollar which shall be paid by the department into the State Treasury through the Department of Revenue Permits under this act shall be issued for the calendar year and shall expire on the thirty-first day of December each year But the department shall thereafter have power to revoke such permit if it finds that the person copartnership association or corporation no longer complies with the provisions of this act and the rules and regulations adopted by the Department of Agriculture to carry this act into effect

Section 3 Any person copartnership association or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not more than twenty-five dollars for the first offense and not less than fifty dollars nor more than one hundred dollars for each subsequent offense In default of the payment of such fine and costs the person or the member of any copartnership or association or the officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not less than ten nor more than thirty days

Section 4 All acts and parts of act inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1539, as follows:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the rights to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the fourteenth day of June one thou-

sand nine hundred and twenty-three (Pamphlet Laws seven hundred fifty-eight) is hereby further amended to read as follows

Section 12 The Bureau of Medical Education and Licensure shall refuse to grant a license to practice medicine and surgery to an applicant upon the presentation to said Bureau of Medical Education and Licensure of a court record showing the conviction in due course of law of said persons for producing or aiding or abetting in producing a criminal abortion or miscarriage by any means whatsoever and further the Bureau of Medical Education and Licensure upon such evidence and proof shall cause the name of any physician licensed to practice medicine and surgery in the Commonwealth of Pennsylvania to be removed from the record in the office of the Superintendent of Public Instruction

The Bureau of Medical Education and Licensure may for a definite or indefinite time refuse revoke or suspend the right to practice medicine and surgery in this State for any or all of the following reasons to wit The conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance or any condition which impairs intellect and judgment to such an extent as to incapacitate for the performance of professional duties

Any person who is licensed to practice medicine and surgery or any of its branches in the Commonwealth of Pennsylvania or who is an applicant for examination for licensure to practice medicine and surgery in this State against whom are preferred any of the foregoing charges for causing the revocation or suspension of license or for causing refusal of the right to be examined for licensure shall be furnished by the Bureau of Medical Education and Licensure with a copy of the complaint and shall have a hearing before the bureau or by attorney and witnesses may be examined by said bureau respecting the guilt or innocence of said accused

The revocation or suspension of license of any person licensed to practice medicine and surgery shall be removed when said narcotic or vicious habit hereinbefore specified shall have been adjudged by the said bureau to be cured or overcome and said suspended licentiate deemed capable of practicing his or her profession The revocation or suspension for any other cause of the license of any person licensed to practice medicine and surgery may be removed at such time as it shall appear to the bureau to be just and proper to do so and upon any such removal of the revocation or suspension of license by the bureau the name of any such physician who had been licensed to practice medicine and surgery in the Commonwealth of Pennsylvania shall be restored and replaced upon the record in the office of the Superintendent of Public Instruction by the bureau Provided however That any action taken in regard to suspension or revocation of license or removal of any suspension or revocation and the reinstatement of any licentiate must be by a unanimous vote of the members of the bureau

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1546 (House Bill No. 477), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1547 (House Bill No. 564), as follows:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty-eight thousand dollars ($68,000) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of the salaries or other compensation of such secretary statistician captains pilots engineers clerks stenographers harbor masters messengers firemen deckhands and cooks required for the proper conduct of the work of the commissioners including the operation of a steam tender for the cost of repairs maintenance supplies fuel insurance oil and equipment of such steam tender and for the payment of the rent and care of the offices stationery telephone services subscription to Maritime Exchange books charts and official and incidental expenses of the commission

Section 2 In addition to the appropriation made by section one of this act the sum of five thousand two hundred eighty-nine dollars and twenty-five ($5,289.25) is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in section one of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to such Board for such purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriations made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1550 (House Bill No. 805), entitled:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty thousand dollars ($60,000) is hereby specifically appropriated to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the training and education of such students as may be admitted to such college in accordance with this act twenty thousand dollars ($20,000) of said appropriation shall be paid during

the fiscal year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and forty thousand dollars ($40,000) during the fiscal year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven For the school year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six seventeen students shall be appointed to said college to be selected by competitive examination to be conducted in such manner as said college may provide from among candidates nominated by State Senators each Senator to be notified by said college of the time and place of such examination and to have the privilege of appointing one candidate for examination For the school year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven seventeen students shall likewise be appointed after competitive examination on nomination of State Senators

The Governor of the Commonwealth shall also for each of said school years appoint three students to said college

Each candidate for examination shall in addition to a scholastic examination undergo a thorough physical examination and every student appointed to the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years and in default of such service in the National Guard to be liable to the Commonwealth for the sum expended under this or any other law appropriating moneys to said college for the education of students selected by competitive examination or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instruction from time to time upon bills rendered by the Pennsylvania Military College and approved by the Department of Public Instruction

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 1, page 1, line 4, by striking out the word "sixty" and insert in lieu thereof "ninety"; also line 5, by striking out the figures "($60,000)" and insert in lieu thereof "($90,000)"; also line 10, by striking out the word "twenty" and insert in lieu thereof "thirty"; also line 11, by striking out the figures "($20,000)" and insert in lieu thereof "($30,000)"; also line 14, by striking out the word "forty" and insert in lieu thereof "sixty"; also line 14, by striking out the figures "($40,000)" and insert in lieu thereof "($60,000)"; also page 2, line 4, by striking out the word "seventeen" and insert in lieu thereof "twenty-five"; also lines 6 and 7, by striking out the words "competitive examination to be conducted in such manner as said college may provide from among candidates"; also lines 9 and 10, by striking out the words "to be notified by said college of the time and place of such examination and" and insert in lieu thereof "of each even-numbered senatorial district"; also line 12, by striking out the words "for examination"; also line 14, by striking out the word "seventeen" and insert in lieu thereof "twenty-five"; also line 15, by striking out the words "after competitive examination"; also line 16, by striking out the bracket before the word "from"; also line 20, by striking out the bracket after the word "years"; also line 22, by striking out the word "three" and insert in lieu thereof "five"; also lines 25 and 26, by striking out the words "for examination shall in addition to a scholastic examination"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1551 (House Bill No. 1031), entitled:

An Act making appropriations to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred and thirty-five for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yoemen (female) or members of the enlisted nurse corps of the United States who were killed in action or died from other cause during the World War between the sixth day of April one thousand nine hundred and seventeen and the second day of July one thousand nine hundred and twenty-one Such children must have lived in the Commonwealth of Pennsylvania for five years immediately preceding the date upon which the application is filed

The second section of the bill was read as follows:

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission as coming within the class described in section one of this act and as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education within this Commonwealth Payments not to exceed the sum of two hundred dollars ($200) per school year per child shall be made to such institutions upon the submission by such institutions if proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the current school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisitions prepared for payments out of the appropriation made by this act

Where a child within the class described is completing an educational or training course and before completing the course the child arrives at the age of twenty-one years it shall be lawful for the gratuity to be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend Section 2, page 2, line 17 by striking out the word "if" and inserting in lieu thereof the following "of"

Mr. BEAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 In addition to the appropriation made by section one of this act the sum of two thousand sixteen dollars and fifty-seven cents ($2,016.57) is hereby appropriated to the Department of Military Affairs for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in the preceding sections of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to the Department of Military Affairs for such purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

The title of the bill was read as follows and agreed to:

An Act making appropriations to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1552 (House Bill No. 1133), on second reading, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1555 (House Bill No. 1587), entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1556 (House Bill No. 1591), entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1558 (House Bill No. 1895), as follows:

An Act making appropriations to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five million dollars ($5,000,000) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five for the purpose of carrying into effect the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 2 Upon the approval of this act the State Treasurer after setting aside a portion for the counties not organized under the Mothers' Assistance System as provided by Section five of this Act shall divide the balance into two equal parts

The one part hereinafter referred to as the second part shall be held intact for distribution on and after the first day of June one thousand nine hundred and thirty-six in the manner hereinafter provided

The other part shall upon the approval of this act be distributed among the several counties organized under the Mothers' Assistance System according to a budget for each county prepared by the Secretary of Welfare after taking into consideration the following basis of distribution

(1) The number of families receiving assistance on the thirty-first day of May one thousand nine hundred and thirty-four (2) in addition provisions for other eligible families which could not be aided from the fund available for the past biennium

The apportionment to each county shall be based upon the average grant per family prevailing in such county during the year ending the thirty-first day of May one thousand nine hundred and thirty-four

Section 3 On the first day of June one thousand nine hundred and thirty-six the State Treasurer shall set aside out of the second part to each county organized at the beginning of the biennium under the Mothers' Assistance System a sum equal to that apportioned to it under the preceding section by the Secretary of Welfare provided the amount so set aside to any county together with the unexpended balance of the amount apportioned to the county during the first year shall constitute the State's assistance during the second year to such county

Section 4 No county shall receive its allotment of the State appropriation available for any year under the method of distribution provided by this act unless such county has accepted the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) as amended and has placed at the disposal of the board of trustees a sum equal to the amount availabe from the State appropriation for such year No county shall receive any sum from the State under sections two and three of this act unless such county shall appropriate a like sum for the same purpose

Section 5 Out of the amount hereinbefore appropriated there shall be set apart for the counties not organized under the Mothers' Assistance System on the first day of June one thousand nine hundred and thirty-four a sum equal to the amount that would be their allocation if the amount available for Mothers' Assistance were allocated to counties on the basis of population The amount thus allocated to any unorganized county shall be divided by the State Treasurer into two equal parts and one such part shall be available for each fiscal year of the biennium Any unorganized county organizing during the first or second fiscal year of the biennium shall be required to match only such portion as would have been available for the months of the year or fiscal period remaining after such acceptance had such county been organized at the beginning of the fiscal period

Section 6 In addition to the appropriation made by Section one of this act the sum of five hundred fifty-five thousand nine hundred four dollars and ninety-two cents ($555,904.92) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June one one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in the preceding sections of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made for such purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over the appropriations made by Section one of this act

Section 7 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1565 (House Bill No. 2184), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1576 (House Bill No. 2529), entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1578 (House Bill No. 2875), entitled:

An Act to amend section two of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred ten) entitled "A supplement to the act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred twenty-eight) entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle sheep goats swine poultry and wild and semi-wild animals into the Commonwealth" providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1582, as follows:

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake in Luzerne County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand five hundred dollars ($1,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the purpose of causing to be made a complete survey of Harvey's Lake in Luzerne County including soundings warrant lines and their original location and the early settlements in connection therewith For the purpose of making such survey the Department of Forests and Waters shall have power to employ the service of an engineer and to pay his compensation from the appropriation made by this act Such survey when completed shall be for the use of the Department of Forests and Waters

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. FREY. Mr. President, I move that the Senate do now recess for fifteen minutes.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1563 (House Bill No. 2026) entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor

BILL ON SECOND READING

Mr. McGINNIS. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine), entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certan costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making and appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriaton

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of one cent a gallon or factional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for

the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and thirty-seven

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be laid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the permanent tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purpose for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of one cent per gallon or fractional part thereof collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes is hereby appropriated and all such tax paid into the State Treasury on and after June first one thousand nine hundred thirty-six shall be credited to the General Fund

On the question,

Will the Senate agree to the section?

Mr. McGINNIS. Mr. President, I move to amend page three, line twelve, by striking out after the word "of", the words "one cent" and insert in lieu thereof the words "two cents"; amend page six, line two, by striking out after the word "of" the words "one cent" and insert in lieu thereof the words "two cents"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. McGINNIS. Mr. President, the mercantile tax bill has been defeated, and the check tax bill has been referred back to committee; I am therefore offering this amendment to the gasoline tax bill to take the place of these other two tax bills.

Mr. OWLETT. Mr. President, I move that the consideration of Senate Bill No. 1428 (House Bill No. 1418) be made a special order of business on third reading and final passage Monday, June 17th, at 1.00 o'clock P. M.

The PRESIDENT. There are amendments pending on this bill; the amendments will have to be disposed of.

Mr. OWLETT. Mr. President, I understand that the amendments do not have to be disposed of prior to this motion.

Mr. BUCKMAN. Mr. President, I move that the motion of the Senator from Allegheny, Mr. McGinnis, be laid on the table.

Mr. OWLETT. Mr. President, I second the motion.

The yeas and nays were required by Mr. RUPP and Mr. FRY and were as follows, viz:

YEAS—17

Aron,	Clark,	Homsher,	Pierson,
Batchelor,	Coyne,	Mallery,	Reed,
Bean,	Ealy,	McClure,	(Dauphin)
Buckman,	Gelder,	Owlett,	Staudenmeier,
Chapman,	Harvey,		

NAYS—23

Baumer,	McCreesh,	Rice,	Sones,
Cavalcante,	McGinnis,	Roberts,	Thompson,
Frey,	Miller,	Rodgers,	(Centre)
Harris,	Pytko,	Rupp,	Thompson,
Huffman,	Rankin,	Salus,	(Westmoreland)
Kahle,	Reed,	Shapiro,	Trainer,
Law,	(Washington)		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. RUPP and Mr. FREY and were as follows, viz:

YEAS—23

Baumer,	McCreesh,	Rice,	Sones,
Cavalcante,	McGinnis,	Roberts,	Thompson,
Frey,	Miller,	Rodgers,	(Centre)
Harris,	Pytko,	Rupp,	Thompson,
Huffman,	Rankin,	Salus,	(Westmoreland)
Kahle,	Reed,	Shapiro,	Trainer,
Law,	(Washington)		

NAYS—18

Aron,	Clark,	Harvey,	Pierson,
Batchelor,	Coyne,	Homsher,	Reed,
Bean,	Ealy,	Mallery,	(Dauphin)
Buckman,	Gelder,	McClure,	Staudenmeier,
Chapman,	Graff,	Owlett,	

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2. This act shall become effective the first day of the month succeeding its final enactment.

The title of the bill was read as follows and agreed to:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CONSIDERATION OF SENATE BILL NO. 1428 (HOUSE BILL NO. 1418) MADE A SPECIAL ORDER OF BUSINESS.

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1428 (House Bill No. 1418), on third reading and final passage, be made a special order of business Monday, June 17th, at 10 o'clock P. M.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1583, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Revenue to sell at public sale for the best price obtainable tracts of lands acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields and providing for the disposition of the purchase price received for said lands

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor and the Department of Revenue is hereby expressly authorized empowered and directed acting for and on behalf of and in the name of the Commonwealth of Pennsylvania to sell at public sale for the best price obtainable the following described tracts of land belonging to the Commonwealth of Pennsylvania said tracts were acquired for State Intermediate Landing Fields and now are not used and are not likely to be used for that purpose and to make execute and deliver to the purchaser upon the payment of the purchase price a good and sufficient deed therefor namely

Tract Number One All that certain tract of land situate lying and being in the Township of Butler County of Adams State of Pennsylvania bounded and described as follows

Beginning at a point in a public road on a line of Frank Newell and Herbert H and Jesse F Deckert which point is ascertained by measuring along a line in said road from an angle in said road at the intersection of the land of Bert Carey and Frank Newell South thirty-five degrees West a distance of eight hundred ninety-five (895) feet thence from said beginning point so ascertained by a line South thirty-nine (39) degrees forty-five (45) minutes East a distance of fourteen hundred fifty (1450) feet to an iron pin thence South three (3) degrees thirty (30) minutes West a distance of two hundred ninety (290) feet to an iron pin thence by a line South forty-three (43) degrees West a distance of six hundred seven (607) feet to an iron pin on the line of land now or formerly of Joseph Lopp thence along said last mentioned line South fifty-six (56) degrees East a distance of eight hundred thirty (830) feet to an iron pin on the line of the Philadelphia and Reading railroad thence along said railroad North thirty-nine (39) degrees thirty (30) minutes East a distance of four hundred five (405) feet to an iron pin thence continuing along said railroad North thirty-five (35) degrees forty-five (45) minutes East fourteen hundred ten (1410) feet to an iron pin in an abandoned road thence along said abandoned road and land now or formerly of Allen Thoman North thirty-six (36) degrees thirty (30) minutes West a distance of seven hundred (700) feet thence along said abandoned road and line of Geiman and Ondorff North thirty-six (36) degrees West a distance of twelve hundred twenty-seven (1227) feet to an iron pin in said road thence continuing along said road and line of land now or formerly of Geiman and Ondorff and Harry Van Dyke North twelve (12) degrees West two hundred thirty-five (235) feet to a pin in the first mentioned public road thence continuing along said public road and line of T J Moran South seventy-nine (79) degrees thirty (30) minutes West four hundred thirty-five (435) feet to an iron pin thence continuing in said road by a course North seventeen (17) degrees West sixteen and one-half (16½) feet to an iron pin on line of Bert Carey and T J Moran thence along line of said Bert Carey and continuing in said road South fifty-three (53) degrees West two hundred five (205) feet to an iron pin on line of land of Frank Newell and Bert Carey thence continuing along said public road and land of Frank Newell South thirty-five (35) degrees West a distance of eight hundred ninety-five (895) feet to an iron pin at the place of beginning containing eighty-four and sixty-nine hundredth acres more or less being the same premises which Herbert H Deckert by his deed dated December thirty-first one thousand nine hundred thirty-one and of record in the Recorder's Office of the County of Adams in Deed Book volume one hundred ten page five hundred forty-seven (547) granted and conveyed unto the Commonwealth of Pennsylvania

Tract Number Two All that certain tract of land lying South and West of the road leading from State Highway Route Number six to Mehoopany Township of Washington County of Wyoming State of Pennsylvania bounded and described as follows

All that certain tract of land lying South and West of the road leading from State Highway Route Number Six to Mehoopany beginning at a point marked by a stake at the end of private lane of John Wiszniewski thence South twelve (12) degrees thirty (30) minutes West seven hundred sixty (760) feet to a point thence North eighty-nine (89) degrees East eight hundred ten (810) feet to a point thence along line of John Wiszniewski and Howard Culver North twenty-eight (28) degrees East twelve hundred seventy (1270) feet to a point thence along line of John Wiszniewski and line of Anna Carney North seventy-six (76) degrees West fourteen hundred six (1406) feet to a point thence South thirty-three (33) degrees thirty (30) minutes West five hundred twenty-five (525) feet to private lane of John Wiszniewski thence along said private lane South fifty-six (56) degrees five hundred thirteen (513) feet to the place of the beginning containing thirty-six and ninety-six hundred acres more or less being the premises which John Wiszniewski and Bridget Wiszniewski by theid deed dated July thirtieth one thousand nine hundred thirty-one and of record in the Recorder's Office of the County of Wyoming in Deed Book volume ninety-five page three hundred fifty (350) granted and conveyed unto the Commonwealth of Pennsylvania

Tract Number Three All that certain tract of land situate in the Township of Washington County of Wyo-

ning State of Pennsylvania bounded and described as follows

Beginning at point on Western line of road leading from old Mehoopany road to Vosburg Railroad Station where lands of Anna Carney and Howard Culver corner thence along Western line of said road South three (3) degrees thirty (30) minutes West two hundred fifty (250) feet to a point thence along western line of said road South seven (7) degrees thirty (30) minutes West one hundred ninety (190) feet to a point thence through land of Howard Culver of which this is a part North eighty-nine (89) degrees West one thousand ninety-two (1092) feet to a point on line of John Wisniewski thence along line of John Wisniewski North twenty-eight (28) degrees East six hundred eighty-five (685) feet to a point at corner of lands of Anna Carney Howard Culver and John Wiszniewski thence along line dividing properties of Anna Carney and Howard Culver South seventy-six (76) degrees (40) minutes East eight hundred fifty-two (852) feet to the place of beginning containing twelve and two hundredths acres more or less being the same premises which Howard M Culver and Helen Culver by their deed dated August twenty-eighth one thousand nine hundred thirty-one and of record in the Recorder's Office of the County of Wyoming in Deed Book Volume ninety-five (95) page three hundred forty-four (344) granted and conveyed unto the Commonwealth of Pennsylvania

Tracts Number Four All those certain tracts of land situate in the Township of Washington County of Wyoming and the State of Pennsylvania bounded and described as follows

Beginning on the western side of road leading from old Mehoopany Road to Vosburg Railroad Station where the property line of Anna Carney and Howard Culver corners thence along dividing line between property of Anna Carney and Howard Culver North seventy-six (76) degrees forty (40) minutes West eight hundred fifty-two (852) feet to a point in line of lands of John Wiszniewski thence along lands of John Wiszniewski North twenty-eight (28) degrees East two hundred forty-four (244) feet to a point on line of lands of Anna Carney thence through the property of Anna Carney of which this parcel or piece is a part South seventy-six (76) degrees forty (40) minutes East seven hundred thirty (730) feet to a point on the western line of road leading from old Mehoopany Road to Vosburg Railroad Station thence along western line of road leading to Vosburg Station South two (2) degrees East two hundred forty-two (242) feet to the place of beginning containing four (4) acres more or less also that certain tract of land beginning at a point on the Southern line of old highway leading from State Highway Number Six to Mehoopany Station where properties of Anna Carney and Carl Reynolds corner thence along the line of said Carney and Reynolds land South seven (7) degrees West six hundred four (604) feet to the point on line on lands of John Wisznewski thence along the line of John Wiszniewski South seventy-six (76) degrees East six hundred forty (640) feet to a point thence through land of Anna Carney of which this is a part North three (3) degrees forty-eight (48) minutes West eight hundred forty-eight (848) feet to a point on the southern line of old road thence along South line on old road South eighty (80) degrees thirty (30) minutes West five hundred (500) feet to the place of beginning containing nine (9) acres to be the same more or less being the same premises which George A Carney Executor of the Estate of Anna Carney deceased by his deed dated May twentieth one thousand nine hundred thirty-two and of record in the Recorder's Office of the County of Wyoming in Deed Book Volume ninety-six (96) page two hundred seventy-eight (278) granted and conveyed unto the Commonwealth of Pennsylvania

Tract Number Five All that certain tract of land situate in the Township of Penn County of Cumberland State of Pennsylvania bounded and described as follows

Beginning at a stake in the southwestern corner of the premises herein described which stake is located at the intersection of the right-of-way line formerly of the Harrisburg and Potomac Railroad Company now of the Reading Company and the lands of John Barr thence along said lands of John Barr north two (2) degrees seven (7) minutes West nine hundred thirty-four and five tenths (934.5) feet to a stake at the corner of lands of E P Tritt thence along lands of said E P Tritt north seventy-two (72) degrees fifty-one (51) minutes East three hundred sixty-six and two tenths (366.2) feet to a fence post thence continuing along the same South nine (9) degrees ten (10) minutes East eight hundred eighty-three (883) feet to a point in the northerly right-of-way line formerly of the Harrisburg and Potomac Railroad Company now of the Reading Company thence along said right-of-way South sixty-nine (69) degrees thirty-eight (38) minutes West four hundred eighty-six (486) feet to the place of beginning containing eight and sixty-one hundredth (8.61) acres more or less being a part of the premises which Anna M Cockley by her deed dated August twenty-second one thousand nine hundred thirty-one and of record in the Recorder's Office of the County of Cumberland granted and conveyed unto the Commonwealth of Pennsylvania

Section 2 That the purchase price of said lands shall be paid into the State Treasury through the Department of Revenue and credited to the "Motor License Fund"

Section 3 The provisions of this act shall become effective immediately upon the approval of the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL READ IN PLACE

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS, read in place and presented to the Chair Senate Bill No. 1627, entitled:

A Joint Resolution creating a commission with power to provide for the temporary licensing of persons qualified to practice the profession of chiropractic; and providing that said commission shall report a draft of legislation to regulate and license the profession of chiropractics.

Which was committed to the Committee on Education.

MOTION TO ADJOURN

Mr. SHAPIRO. Mr. President, there has been a great deal of talk about some committees not having an opportunity to meet. There has been a suggestion that certain committees meet and act on certain bills. In order to give the committees an opportunity to act on bills, I move that the Senate do now adjourn until tomorrow afternoon at 2 o'clock.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I move to amend that motion so that it shall read "Until tomorrow morning at 10 o'clock."

The PRESIDENT. The Chair suggests that the motion be held in abeyance.

REPORTS FROM COMMITTEES

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, amended, Senate Bill No. 694 (House Bill No. 501), entitled:

An Act authorizing the Department of Highways to build construct and maintain sidewalks along State highways in townships of the first and second class for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such buildings and construction and appropriating moneys from the Motor License Fund.

Also Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Also from the Committee on Highways reported as committed, Senate Bill No. 1069 (House Bill No. 1586), entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford and providing for its construction and maintenance at the expense of the Commonwealth.

MOTION TO READ BILL THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 180, entitled:

An Act making it unlawful for any water company to discontinue the supply of water for fire protection purposes; providing for the collection of water rates from cities, boroughs, towns and townships and prescribing penalties, and providing for enforcement by the Public Service Commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 494 (House Bill No. 170), entitled:

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or carried over from any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 506 (House Bill No. 795), entitled:

An Act to amend section eight hundred eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended limiting the provisions of the section to township funds

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 566 (House Bill No. 228), entitled:

An Act to amend the definitions of "common carrier" and "Conveyance of passengers or property" contained in section one of article one of an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisoins of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by exempting the conveyance of perishable food products milk and furniture from regulation by the Commission in certain cases.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading .

Agreeably to order,

The Senate proceeded to the first reading and consider-

ation of Senate Bill No. 689 (House Bill No. 1287), entitled:

An Act providing when how and under what circumstances and conditions a claimant being a county municipality township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale for the procedure in such cases by petition rule notice hearing and decree of Court to sell said real estate freed and cleared of all taxes municipal claims liens mortgages ground rents charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full for the stay of proceedings for redemption and priority thereof and of the status of liens during said period and for the right of a tax or municipal claimant to purchase the real estate at any sale.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 694 (House Bill No. 501), entitled:

An Act authorizing the Department of Highways to build construct and maintain sidewalks along State highways in townships of the first and second class for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such buildings and construction and appropriating moneys from the Motor License Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 697 (House Bill No. 1206), entitled:

An Act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 707, entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships, associations and corporations engaged in the business of outdoor advertising by means of billboards, signs or structures and the issuing of permits for the erection, use and maintenance thereof, levying an excise tax for the use of the Commonwealth, prescribing the location in which said billboards, signs and structures may be located and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 741 (House Bill No. 631), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect if judical sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 750 (House Bill No. 1614), entitled:

An Act to further amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 777 (House Bill No. 883), entitled:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for the annulment of void marriages.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 785 (House Bill No. 401), entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 790 (House Bill No. 750), entitled:

An Act to amend the title and section one, two, three, six, nine, ten, eleven and twelve of the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish: and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes, and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 795 (House Bill No. 1462), entitled:

An Act to amend sections one thousand three hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts and to contribute to pension and retirement funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 796 (House Bill No. 1478), entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 799 (House Bill No. 1070), entitled:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring one year's residence in the ward for the commissioner elected from a ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 867 (House Bill No. 1836), entitled:

An Act authorizing boroughs to construct reconstruct and repair sidewalk gutters curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 904 (House Bill No. 754), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three, and section one thousand eight hundred and six as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Forests and Waters to acquire lands by purchase, gift, condemnation and lease for State forest, park and recreational purposes, and to maintain, develop and re-lease such lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 906 (House Bill No. 976), entitled:

An Act to amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughts and revising amending and consolidating the law relating to boroughs" making provision for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 980 (House Bill No. 1340), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto," empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 982 (House Bill No. 1426), entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1069 (House Bill No. 1586), entitled:

An Act to establish as a State highway a certain section of public road in the County of Crawford and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1100 (House Bill No. 2116), entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (P. L. 777) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" removing the exemptions set forth in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1118 (House Bill No. 1628), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1142, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon, by means of separate assessments of land values and the values of improvements on or in the land, and a sliding scale for apportioning the percentages of the total amount of revenue from taxes upon real property to be borne by unimproved land and improvements on or in the land from the year one thousand nine hundred and thirty-seven to the year one thousand nine hundred and forty-eight and thereafter.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1157 (House Bill No. 1904), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board; further defining the powers and duties of such board and its members; and further prescribing qualifications of Workmen's Compensation referees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1165, entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands, and for the development and equipment of playgrounds and recreation and civic centers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1170 (House Bill No. 1522), entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for th elien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1268 (House Bill No. 1515), entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1356, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1358 (House Bill No. 977), entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the expenditure of such appropriation for the construction of second-class township streets roads and bridges requiring the reduction of tax levies by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies and permitting additional special tax levies under certain circumstances

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1361 (House Bill No. 2062), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance including snow removal construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1364 (House Bill No. 618), entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to review judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1378 (House Bill No. 2674), entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients, providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties", by providing for the boarding out of certain patients in State mental hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1407 (House Bill No. 2318), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and providing for the approval of a plan of merger withut action of the shareholders of the surviving association.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1425, entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments; abating penalties and interest on taxes for such years upon the payment of such instalments, together with the taxes for current years and in certain instances of accrued costs; extending the period for redemption of lands sold to counties where it has not already expired; providing for sales of lands already advertised for sale for delinquency in payment of taxes; providing for sales of land as to which the owner has not performed; the requirements of the act after an election, and for the sale of lands as to which no election has been made by the owner, and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1436 (House Bill No. 1980), entitled:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1455 (House Bill No. 2352), entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1459, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits; increasing medical and hospital benefits; making changes in the definition of "wages"; providing compensation for accidents arising out of and in the course of employment; regulating proof in hernia cases; further defining dependency as to widows; extending the time for the commencement of proceedings to recover compensation in certain cases; providing for autopsies in cases of death from injury; further regulating the review, modification, reinstatement, suspension and termination of original and supplemental agreements and awards; requiring employers to pay the compensation of physicians, surgeons and experts appointed by the board or referees to make examinations; providing that final receipts for compensation shall be conclusive after two years; further defining the jurisdiction and powers of the referees, boards and courts of common pleas; and repealing section four hundred and twenty-six of said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1563 (House Bill No. 2026), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seveenteenth one thousand nine hundred and nineteen (P. L. 1003) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1564 (House Bill No. 2143), entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1575 (House Bill No. 2527), entitled:

An Act providing for special vocational trade industrial and commercial schools and classes in co-operation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1599, entitled:

An Act providing for the purchase, and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1600, entitled:

An Act to further amend Section eleven of the Act approved the seventeenth day of February, one thousand nine hundred and six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the publication of statements issued by the State Treasurer from time to time concerning the moneys in the State Treasury.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1605, entitled:

An Act to further amend section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of

said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by excluding diversion of traffic as an element of damage.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1606, entitled:

An Act to amend section five hundred and fourteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by excluding diversion of traffic as an element of damage where county roads are relocated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1607, entitled:

An Act to amend section one thousand and twenty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges in boroughs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1608, entitled:

An Act to amend article fifteen of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by permitting such townships to establish special districts for the construction, operation and maintenance of drains and sanitary sewers, to assess costs of construction, operation and maintenance upon the properties benefited to issue bonds secured by municipal liens on such properties and to levy and collect taxes for the payment of principal and interest on indebtedness and for the meeting of costs of maintenance and operation from sewer rentals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1611, entitled:

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg, placing said addition, upon completion, under the jursidiction and control of the Department of Health and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1613 (House Bill No. 1837), entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and addidng certain new routes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1616 (House Bill No. 2394), entitled:

An Act to amend sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" conferring on supervisors power over streams changing the minimum compensation of the secretary-treasurer further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits providing that the road tax shall be used for general township purposes decreasing the minimum widths of certain roads and the acceptance of roads streets lanes and alleys heretofore dedicated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1620, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1621, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, two hundred twenty-nine), entitled "An act relative to the liens of the Commonwealth against unpatented lands; providing for their adjustment, and for the granting of patents," by exempting the Commonwealth, and any department, board, or commission thereof from the payment of certain patent fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1622, entitled:

An Act to amend the title of, and the act, approved the first day of June, one thousand nine hundred and thirty-one (P. L. 301), entitled "An act providing for the acquisition, construction, improvement, operation, and maintenance of bridges over rivers and navigable waters within the Commonwealth; authorizing the issuance of bridge revenue bonds, free from taxation and payable solely from bridge earnings, to pay the cost of such bridges and improvements thereof; providing for the collection of bridge tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the bridges; constituting such bonds legal investments in certain instances; prescribing conditions upon which such bridges shall become free bridges; conferring powers and imposing duties on the State Bridge Commission; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," by extending the provisions thereof to tunnels for highway purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1626, entitled:

An Act providing for the escheat of certain dividends, profits, debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money, securities or other property for safe-keeping, except building and loan associations and fiduciaries, with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof, and providing for the payment of fees and the procedure in the discovery and collection thereof, and in connection therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 666.

The Clerk of the House of Representatives, being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 666, entitled:

An Act appropriating the moneys in the State Forests and Waters Fund.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1972, AND APPOINTS COMMITTEE OF CONFERENCE.

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

and has appointed Messrs. Achterman, Allen, Wall, a Committee of Conference to confer with a similiar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. EALY. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs Ealy, Staudenmeier and Law be said committtee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 219, entitled:

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges, including mental patients.

House Bill No. 292, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

House Bill No. 1279, entitled:

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings; and prohibiting duplicate payments.

House Bill No. 1879, entitled:

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief.

House Bill No. 2067, entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "Mental Health Act of 1923."

House Bill No. 666, entitled:

An Act appropriating the moneys in the State Forests and Waters Fund.

House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

House Bill No. 862, entitled:

An Act to provide revenues by imposing a State tax upon sales of tobacco by dealers, as herein defined; requiring persons engaged in the sale of tobacco at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and Persons, as herein defined, engaged in the sale of tobacco at retail, or wholesale; and providing penalties.

House Bill No. 434, entitled:

An Act validating adoptions in courts of record of the Commonwealth.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until Monday, June 17th, at 3 o'clock P. M.

Mr. STAUDENMEIER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I made a motion to adjourn some time ago, and that motion has not been acted upon.

The PRESIDENT. The Chair did not recognize the former motion, on account of pending business.

Mr. SHAPIRO. Mr. President, I renew my motion.

The PRESIDENT. The motion before the House is that which was made by the Senator from Chester, Mr. Clark.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). Mr. President, in voting upon this motion let us do so with the realization that when we adjourn this week every bill in committee dies, and there are some bills that ought to be considered by committees here tomorrow. I ask for a vote against this motion.

And the question recurring,

Will the Senate agree to the motion?

Mr. ARON. Mr. President, I think it is a mistake to adjourn now until next Monday night. This is the last week—or, the week before the last—and there are a lot of bills that should be considered; the tax program is by no means finished; and I think it would be doing wrong to walk out and leave this session tonight with all this business unfinished. Therefore, I ask the Senate not to adjourn tonight.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, a concurrent resolution was agreed to this week, which provided that when ws adjourn this week it will be to meet next Monday at 9 o'clock P. M.; so there is no need to make a motion to adjourn until Monday at 3 o'clock P. M.

Mr. THOMPSON (Centre). Mr. President, I offer an amendment to the motion of the Senator from Chester, Mr. Clark, that instead of adjourning tonight for the week, we adjourn until tomorrow at 12 o'clock noon.

Mr. REED (Dauphin). Mr. President, I second the amendment.

Mr. SHAPIRO. Mr. President, I should like to make a suggestion to the gentleman who just made that amendment. I think there are no announced committee meetings. I think it would be better to meet at 10 o'clock, and then, if there are committee meetings announced, we can recess until 12 o'clock noon.

Mr. THOMPSON (Centre). Mr. President, I accept the suggestion of the Senator from Philadelphia, Mr. Shapiro, on the motion.

POINT OF INFORMATION

Mr. HARRIS. Mr. President, are we now about to vote on the amendment?

The PRESIDENT. On the amendment.

Mr. HARRIS. Mr. President, those voting affirmatively on the amendment agree to adjourn until tomorrow morning at 10 o'clock?

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the motion as amended?

It was agreed to.

The PRESIDENT. There being no further business before the session, the Senate will stand adjourned until tomorrow morning at 10 o'clock.

The Senate adjourned at 11:07 P. M. until Thursday, June 13, 1935, at 10 o'clock, A. M.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 12, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our Heavenly Father, we thank Thee that Thou hast given us a new day for service. We pray that Thy spirit will help us to use this day for Thy glory and for the good of our fellowmen.

We pray that Thou will bless all the members of this House, the officers and all the employes and especially the newspaper correspondents, for they too are human and are Thy children.

Forgive us our sins. In the Master's name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KINNEY the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By MESSRS. HOLSTROM AND HETRICK,

HOUSE BILL No. 2990.

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles; and providing penalties.

Referred to the Committe on Judiciary Special.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 31.

An Act to amend section six as amended and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates' affidavits from candidates for additional offices

SENATE BILL No. 900.

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness; imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness

Whereupon,

The SPEAKER, in the presence of the House, signed the same

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbred and entitled as follows:

HOUSE BILL No. 1972.

An Act fixing the salary of the district attorney in counties of the seventh class.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 8, by striking out at the beginning of said line the word "five" and inserting in lieu thereof the word "seven"; also by striking out after the word "and" the word "twenty", and inserting in lieu thereof the word "fifty"; also by striking out after the word "dollars" the figures "($720)" and inserting in lieu thereof the figures "($750)"; also in line 10, by striking out after the word "twenty" the word "five" and inserting in lieu thereof the word "seven."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1821.

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 5, page 10, line 8, by adding after the word "procurable" the following new paragraph:

Any person who shall wilfully maliciously carelessly or indifferently destroy mutilate remove or deface any grave marker or headstone placed or erected under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or suffer imprisonment for not more than two years or both in the discretion of the court.

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Eroe,	Mallen,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Furman,	Melchiorre,	Sloan,
Baine,	Gates,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hartman,	O'Neill,	Sumney,
Brown, J. E.,	Hefferon,	Panton,	Surface,
Brownfield,	Hermansen,	Parks,	Tahl,
Brumbaugh,	Hetrick,	Patterson, C.,	Terry,
Burke,	Hindman,	Patterson, J. W.,	Tronzo,
Caputo,	Hirsch,	Pearson,	Trout,
Carr,	Hoffner,	Perry,	Tumelty,
Carson,	Holland,	Peters,	Turner,
Castor,	Holstrom,	Pfaff,	VanAllsburg,
Chervenak,	Hoopes,	Phillips,	VanSickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Reising,	Wall,
Cohen,	Jones,	Reynolds,	Wasserman,
Coleman,	Kane,	Rhys,	Weidemann,
Condon,	Kelder,	Roan,	Weiss,
Conner,	Kelso,	Robinson,	Welliver,
Cordier,	Kilroy,	Root,	Welsh,
Davies,	Kinney,	Ruffennach,	Westrick,
Decker,	Klinger,	Ruth,	White,
Denning,	Kobelak,	Sarraf,	Wickersham,
Dent,	LaRue,	Scanlon,	Winner,
Diehl,	Linderman,	Schrock,	Wood,
Dilley,	Long,	Schrope,	Woodside,
Downey, G. E.,	Longaker,	Schwab,	Yourishin,
Downey, J. J.,	Lovett,	Schwartz,	Zappala,
Duffort,	Lynch,	Shaw,	Sarig,
Eberharter,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2393.

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 5, line 10, by striking out after the word "proper" the words "and permanent"; also in line 11, by inserting after the word "kept" the words "for a period of two years."

Amend Section 5, page 8, line 10, by striking out after the word "stir" the word "and" and inserting in lieu thereof the word "or"; also by inserting after the word "mix" the words "the contents of"; also in line 16, by striking out after the word "which" the words "may divide it in any way into more than one compartment the volume of milk from which the sample is taken" and inserting in lieu thereof the words "will prevent such thorough stirring or mixing"; also on page 5, line 10, by striking out after the word "agent" the words "in writing or by individual printed statement"; also in line 12, by striking out the light faced bracket before the word "Notice"; also in line 13, by striking out after the word "section" the word "may" and inserting in lieu thereof the word "shall"; also in line 15, by striking out the light faced bracket after the word "writing"; also by inserting after the word "writing" in same line the words "delivered to the seller or his agent"; also on page 10, line 2, by inserting after the word "approved" the words "method of ascertaining."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Siegel,
Altenburg,	Fitch,	McElroy,	Simon,
Andrews,	Flanagan,	McHenry,	Simpson,
Arnold,	Flinchbaugh,	McKinney,	Sinwell,
Atkins,	Furman,	Melchiorre,	Sloan,
Aukerman,	Gates,	Mentzer,	Smith, J. A.,
Baine,	Gerard,	Merrell,	Smith, W. G.,
Baker, F. T.,	Gillette,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Green,	Mooney,	Snyder, J. L.,
Baldi,	Greenstein,	Moore,	Sowers,
Barber,	Habbyshaw,	Moran,	Spangler,
Barnhardt,	Haberlen,	Moul,	Sproul,
Bernhard,	Hagerty,	Muir,	Stank,
Boose,	Haluska,	Munley,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Murrin,	Stewart,
Boyer,	Hamilton, R. S.,	Nagel,	Stockham,
Bradley,	Harkins,	Nothnagle,	Stone,
Brancato,	Harmuth,	O'Keefe,	Stott,
Brennan,	Hartman,	Ominsky,	Sumney,
Brown, H. S.,	Hefferon,	O'Neill,	Surface,
Brown, J. E.,	Hermansen,	Panton,	Tahl,
Brownfield,	Hetrick,	Parks,	Terry,
Brumbaugh,	Hindman,	Patterson, C.,	Tronzo,
Burke,	Hirsch,	Pearson,	Trout,
Carr,	Hoffner,	Perry,	Tumelty,
Carson,	Holland,	Peters,	Turner,
Castor,	Holstrom,	Pfaff,	Van Allsburg,
Chervenak,	Hoopes,	Phillips,	Van Sickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Reising,	Wall,
Cohen,	Jones,	Reynolds,	Wasserman,
Coleman,	Kane,	Rhys,	Weidemann,
Condon,	Kelder,	Roan,	Weiss,
Conner,	Kelso,	Robinson,	Welsh,
Cordier,	Kilroy,	Root,	Westrick,
Davies,	Kinney,	Ruffennach,	White,
Decker,	Klingler,	Ruth,	Wickersham,
Denning,	Kobelak,	Sarraf,	Winner,
Dent,	LaRue,	Scanlon,	Witkin,

Diehl,	Linderman	Schrock,	Wood,
Dilley,	Long,	Schrope,	Woodside,
Downey, G. E.,	Longaker,	Schwab,	Yourishin,
Downey, J. J.,	Lovett,	Schwartz,	Zappala,
Duffort,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2380

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2380, Printer's No. 774, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. NAGLE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1962

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1962, Printer's No. 1257, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. TUMELTY. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 89

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 89, Printer's No. 40, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. SHEPARD. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO 2205

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2205, Printer's No. 861, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. RUTH. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. RUTH. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 1, line 13 of the title by striking out at the end of the line after the word "amended" the following: "[providing for meetings of teachers]" and inserting in lieu thereof the following: "requiring county superintendents to call meetings of public school teachers for the purpose of instruction, the expenses thereof to be paid by the school district."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO 2053

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2053, Printer's No. 655, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. KELSO. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed.

Mr. KELSO. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. KELSO. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the first line of the title by striking out the word "route" after the word "amend" and inserting in lieu thereof the words: "routes numbers six hundred thirty-nine and"

Amend page 1, line 4 by striking out the word "route" before the word "seven" and inserting in lieu thereof the words: "routes numbers six hundred thirty-nine and"

Amend page 2, line 1 by striking out the word "is" after the word "ninety-eight" and inserting in lieu thereof the word: "are"

Amend page 2, line 5 by adding after the figure "77" the following: "Route number six hundred thirty-nine Starting at the westerly end of the ramps connecting Ardmore Boulevard in Chalfant and North Braddock Boroughs with Route 120 in Allegheny County thence easterly through the Boroughs of Chalfant North Braddock East Pittsburgh Turtle Creek Wilmerding Pitcairn and Patton Township to a point on the dividing line between Allegheny and Westmoreland Counties in the [town] Borough of Trafford [and extending] thence in an easterly direction by way of Harrison City and Jeannette to the City of Greensburg.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1286

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1286, Printer's No. 1282, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. CLIFF PATERSON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. CLIFF PATERSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CLIFF PATTERSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 13 of title, by striking out the words "method of enjoining" and insert in lieu thereof "and conferring jurisdiction to enjoin"

Amend title, page 2, line 2 from top of page, by inserting after the word "composition" the following "terms"

Amend sec. 1, page 3, line 12, by striking out the bracket before the word "applicant"

Amend sec. 1, page 3, line 13, by striking out the bracket after the word "by"

Amend sec. 1, page 3, lines 13 and 14, by striking out with heavy-faced brackets the words "party aggrieved by a decision of"

Amend sec. 1, page 3, lines 24, 25 and 26, by strking out with heavy-faced brackets the words "and may appeal any decision of the Board on its own behalf, naming as defendants the Board and any other party in interests"

Amend sec. 1, page 6, line 16, by striking out with heavy-faced brackets the words "including the regulation of names"

Amend sec. 1, page 6, lines 17 to 20, by striking out with heavy-faced brackets all of said lines, both inclusive

Amend sec. 1, page 6, line 21, by striking out with heavy-faced brackets the word "matters" and insert in lieu thereof "and"

Amend sec. 1, page 6, line 23, by inserting after the word "profession" the following: "and the board may require an embalming school training of apprentices in addition to other requirements

Amend sec. 1, page 9, lines 18 and 19, by striking out with heavy-faced brackets the words "appoint or"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2203.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2203, Printer's No. 773, for further consideration.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. FLINCHBAUGH. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE, HOUSE BILL NO. 919

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour on third reading and final passage, House Bill No. 919.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 919, as follows.

An Act to amend sections two four hundred and one and four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importaion and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" further defining clubs and hotels and regulating sales by licensees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four hundred and one and four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse for the use of members Continuous existence must be proven by satisfactory evidence Any cessation of continuous activity shall be reason for refusal to grant the license The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accommodating at least [forty] thirty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures which contain more than one-half of one per cent of alcohol by volume except alcohol and malt liquors

"Malt Liquor" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing [meals]

food for the public the place to have an area within a building of not less than [five] four hundred square feet equipped with tables and chairs accommodating at least [fifty] thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and liquor for consumption off the premises where sold Liquor sales for consumption off the premises must be in original sealed packages as purchased from Pennsylvania Liquor Stores and in quantities not in excess of one quart to any person at the retail price not less than ten percent above the retail price established by the board Such licenses shall be known as hotel restaurant liquor licenses and club liquor licenses respectively

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests patrons or patrons [or members] and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[A hotel or restaurant licensee shall] [not maintain any] [counter or bar at or over which liquors are sold to guests patrons or members

Liquor may be sold by licensees other than clubs only after seven o'clock ante meridan of any week day and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held] Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after midnight or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you, House Bill No. 919, Printer's No. 1424 is a bill correcting the mistakes in the existing liquor laws of this Commonwealth. The first thing that the bill does is to permit clubs, carefully defined in the bill, to sell liquor and obtain licenses, and prevents the continuance of one man clubs.

The next feature is reducing the number of chairs from forty to thirty in a hotel. The next is reducing the floor space of a restaurant from five hundred feet to four hundred feet, and providing for thirty chairs instead of fifty chairs. The next is permitting the licensee to sell up to six bottles of beer or seventy-two ounces, for consumption off of the premises. The next is to permit the licensee to sell liquor in original containers, not exceeding one quart, at ten per cent greater price than what is established in the State stores

Then the final change is permitting the clubs to sell to members at all times. The features of requiring licensees to close during election days and on Sundays are continued.

The only controversial point is the proposition of selling liquor in quart bottles unless by licensees. That is covered by the provision that the licensee must charge ten percent more than what the established State liquor stores charge, so that the tap room would not necessarily be in competition with the state stores, and it would only be a convenience to those that want to pay the additional price. I therefore ask you to vote "aye" on this bill.

Mr. BURKE. Mr. Speaker and members of the House, there is just one feature of this bill which I wish to discuss and that is the feature permitting a liquor licensee to sell goods in the original package for consumption off the premises. I think that this feature is a necessary supplement to the two bills that have already passed the House, inasmuch as one of those bills sets up a separate beer license. If there is any chiseling in the sale of liquor, it will be on the part of the beer licensee, who, because he does not have a liquor license, and if he does any chiseling by selling liquor, can buy that liquor only from the bootlegger. The provision allowing the liquor licensee to sell by the quart will make liquor available to every one. I think it will materially cut the traffic in bootlegging and I ask the members to vote "aye" on this bill.

Mr. NAGEL. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Sowers.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sowers, permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. NAGEL. Mr. Speaker, I believe that the gentleman from Philadelphia stated that the licensee would be compelled, under the provisions of this bill, to sell liquor at a profit of ten percent higher that that sold in the State Liquor Stores.

Mr. SOWERS. Mr. Speaker, that is correct.

Mr. NAGEL. Mr. Speaker, is there any provision in this bill as to the price the licensee shall pay for his liquor when he buys it from the liquor stores?

Mr. SOWERS. No. Mr. Speaker, that is absolutely under the control of the liquor Control Board.

Mr. NAGEL. Mr. Speaker, he gets a discount from the liquor stores, as I understand, that other dealers would get in dispensing liquor.

Mr. SOWERS. Mr. Speaker, that is correct. In other words the profit of the licensee would only be this discount plus the ten percent.

Mr. NAGEL. Mr. Speaker, under the provisions of this bill, the State would lose that difference in revenue?

Mr. SOWERS. Mr. Speaker, no, the state is losing it now. The state today sells to the licensee at a discount.

Mr. NAGEL. Mr. Speaker and members of the House, yesterday this House passed two bills, the beer bill and the liquor bill. Feeling that these bills were a great improvement over our present liquor laws, I voted for these bills, but I feel that we have now before us and have passed in this House legislation that is amply adequate to take care of the liquor situation in this Commonwealth, and I feel that to pass this act would be the wrong thing for us to do now, allowing packages to be sold by the licensee in quantities up to a quart.

I therefore ask the members of the House to vote against this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—121

Altenburg,	Eberharter,	Kobelak,	Robinson,
Andrews,	Eroe,	LaRue,	Root,
Baine,	Falkenstein,	Linderman,	Ruffennach,
Baker, J. J.,	Ferko,	Long,	Ruth,
Baldi,	Finnerty,	Lovett,	Sarraf,
Barber,	Fitch,	McDermott,	Scanlon,
Barnhardt,	Flanagan,	McDevitt,	Schrope,
Bernhard,	Forrest,	McElroy,	Schwartz,
Blumberg,	Gerard,	McHenry,	Shaw,
Boose,	Green,	Melchiorre,	Shepard,
Bradley,	Greenstein,	Mentzer,	Siegel,
Brancato,	Haberlen,	Moomaw,	Sloan,
Brown, H. S.,	Hagerty,	Mooney,	Smith, W. G.,
Burke,	Haluska,	Moore,	Sowers,
Cannon,	Hamilton, F. P.,	Moran,	Stank,
Carr,	Hamilton, R. S.,	Muir,	Stott,
Castor,	Harkins,	Munley,	Sumney,
Chervenak,	Harmuth,	O'Keefe,	Tahl,
Coakley,	Hart,	Ominsky,	Trout,
Cochran,	Hefferon,	O'Neill,	Tumelty,
Coleman,	Hermansen,	Patterson, C.,	Van Sickle,
Condon,	Hindman,	Patterson, J. W.,	Walker,
Conner,	Hirsch,	Pearson,	Wasserman,
Coolahan,	Holland,	Peters,	Weidemann,
Cordier,	Holstrom,	Pfaff,	Weiss,
Davies,	Hoopes,	Piole,	Westrick,
Denning,	Horst,	Powers,	Witkin,
Dent,	Jackson,	Reynolds,	Yourishin,
Downey, G. E.,	Kelder,	Rinn,	Zappala,
Downey, J. J.,	Kilroy,	Roan,	Sarig,
Duffort,	Kinney,		

NAYS—46

Achterman,	Flinchbaugh,	McKinney,	Snyder, F. E.,
Alexander,	Gates,	Merrell,	Snyder, J. L.,
Allen,	Gillette,	Nagel,	Sproul,
Arnold,	Habbyshaw,	Panton,	Stevens,
Aukerman,	Hetrick,	Reising,	Stewart,
Boyer,	Hoffner,	Schrock,	Stone,
Brennan,	Kane,	Schwab,	Surface,
Brown, J. E.,	Kelso,	Shreiner,	Turner,
Brumbaugh,	Klingler,	Simon,	Van Allsburg,
Carson,	Lynch,	Simpson,	Wall,
Cohen,	Male,	Sinwell,	Winner,
Decker,	McCreary,	Smith, J. A.,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 965, 1130, 1608, 1615, 1654, 1823, 2044, 2047, 2049, 2058, 2167, 2176, 2242, 2495 AND 2576

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 965, Printer's No. 1224, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery located at Boalsburg Centre County Pennsylvania."

House Bill No. 1130, Printer's No. 525, entitled "An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts."

House Bill No. 1608, Printer's No. 1298, entitled "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled 'An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts' by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons."

House Bill No. 1615, Printer's No. 1216, entitled "An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled 'An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws' by providing for the assessment of seated lands divided by the boundary line between two townships."

House Bill No. 1654, Printer's No. 1299, entitled "An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases."

House Bill No. 1823, Printer's No. 635, entitled "An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth."

House Bill No. 2044, Printer's No. 623, entitled "An Act to amend the act approved the twenty-third day of May one thousand eight hundrd ninety-one (P. L. 109) entitled 'An act to limit the period within which petitions for the assessment of damages for the opening or widening of any

street road or highway may be filed in the court of quarter sessions' by providing specifically for State highways and other highways and for cases in which no limitation has previously been made."

House Bill No. 2047, Printer's No. 653, entitled "An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 392) entitled 'An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways' by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located."

House Bill No. 2049, Printer's No. 658, entitled "An Act to amend section one of act approved the fourth day of May one thousand nine hundred thirty-three (P. L. 277) entitled 'An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth' to include as State highways portions of the highway outside municipalities under certain conditions."

House Bill No. 2058, Printer's No. 638, entitled "An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions."

House Bill No. 2167, Printer's No. 876, entitled "An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes."

House Bill No. 2176, Printer's No. 1295, entitled "An Act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page 32) entitled 'An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation' as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Forests and Waters the appropriation as so reduced."

House Bill No. 2242, Printer's No. 796, entitled "An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across the lands of the Pennsylvania Industrial School."

House Bill No. 2495, Printer's No. 908, entitled "An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said department in relation thereto."

House Bill No. 2576, Printer's No. 903, entitled "An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities."

GEORGE H. EARLE.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 862

Mr. LaRUE. Mr. Speaker, I desire to call up at this time the Report of the Committee of Conference on House Bill No. 862, Printer's No. 1414.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives, for the purpose of considering House Bill No. 862, entitled: "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties," respectfully submit the following bill as our report:

JNO. W. HOWELL,
HARVEY, HUFFMAN,
JOHN J. McCLURE,
Committee on the part of the Senate.

SAMUEL A. WEISS,
M. F. LARUE,
MORTON WITKIN,
Committee on the part of the House of Representatives.

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them

in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents (.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-

four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser. Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value thereof if and when such agent has purchased the stamps affixed by him directly from the department The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsaleable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

The Department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Commonwealth

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be uncon-

stitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred thirty-seven

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. WITKIN. Mr. Speaker and members of the House, I appear as one of the Conferees on this Conference report. I merely want it noted of record, and frankly speaking for the record that although I signed the conference report in order that the amendments that the Senate and the House disagreed upon could be agreed upon, nevertheless I was opposed to the cigarette tax at its inception and still am opposed to a cigarette tax at this time. The signing of the conference report I do not want to be interpreted as meaning that I have been converted to this special tax, the cigarette tax.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—166

Achterman,	Decker,	Linderman,	Sarraf,
Alexander,	Dent,	Long,	Scanlon,
Allen,	Dilley,	Longaker,	Schrock,
Altenburg,	Downey, G. E.,	Lovett,	Schrope,
Andrews,	Downey, J. J.,	Lynch,	Schwab,
Arnold,	Duffort,	Male,	Schwartz,
Atkins,	Eberharter,	Mallen,	Shaw,
Aukerman,	Eroe,	McCreary,	Shepard,
Baine,	Falkenstein,	McDermott,	Shortz,
Baker, P. T.,	Finnerty,	McElroy,	Shreiner,
Baker, J. J.,	Fitch,	McHenry,	Siegel,
Baldi,	Flanagan,	Melchiorre,	Simon,
Barber,	Flinchbaugh,	Mentzer,	Simpson,
Barnhardt,	Flynn,	Moomaw,	Sinwell,
Bernhard,	Furman,	Mooney,	Sloan,
Blumberg,	Gates,	Moran,	Smith, J. A.,
Boose,	Gerard,	Moul,	Smith, W. G.,
Boyd, R.,	Gillette,	Munley,	Snyder, F. E.,
Boyer,	Haberlen,	Murrin,	Stank,
Bradley,	Hagerty,	Nagel,	Stevens,
Brancato,	Haluska,	O'Keefe,	Stockham,
Brennan,	Hamilton, F. P.,	Ominsky,	Stone,
Brown, H. S.,	Harkins,	O'Neill,	Stott,
Brown, J. E.,	Harmuth,	Panton,	Sumney,
Brownfield,	Hart,	Parks,	Surface,
Brumbaugh,	Hartman,	Patterson, C.,	Tronzo,
Burke,	Hefferon,	Patterson, J. W.,	Tumelty,
Cannon,	Hetrick,	Pearson,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Pfaff,	Van Sickle,
Carson,	Hoffner,	Phillips,	Walker,
Castor,	Holland,	Piole,	Weiss,
Chervenak,	Holstrum,	Powers,	Welliver,
Coakley,	Horst,	Reising,	Welsh,
Cochran,	Kane,	Reynolds,	Westrick,
Cohen,	Kelder,	Rhys,	White,
Coleman,	Kelso,	Rinn,	Wickersham,
Condon,	Kilroy,	Roan,	Winner,
Conner,	Kinney,	Robinson,	Yourishin,
Coolahan,	Klingler,	Ruffennach,	Zappala,
Cordier,	Kobelak,	Ruth,	Sarig,
Davies,	LaRue,		

NAYS—35

Denning,	Hoopes,	Peters,	Trout,
Diehl,	Jackson,	Root,	Wall,
Ferko,	Jones,	Snyder, J. L.,	Wasserman,
Forrest,	McDevitt,	Sowers,	Weidemann,
Green,	McKinney,	Spangler,	Witkin,
Greenstein,	Merrell,	Sproul,	Wood,
Habbyshaw,	Moore,	Stewart,	Woodside,
Hamilton, R. S.,	Muir,	Tahl,	Zimmerman,
Hermansen,	Nothnagle,	Terry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

Mr. FLANAGAN. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. FLANAGAN. In today's issue of the Philadelphia Inquirer it is stated that I refused to attend the Democratic caucus yesterday and that last night at the session I voted "no" on this magistrate's bill. This is an error. I attended the Democratic caucus and last night at the session I voted "aye" on the magistrate bill.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be pread upon the Journal.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. ANDREWS asked and obtained permission of the House for the Committee on Public Utilities to meet during the session of the House.

BILL TAKEN FROM TABLE

Mr. SHEPARD. Mr. Speaker, I move that House Bill No. 89, Printer's No. 40, entitled "An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works," which was recalled from the Governor and which was was laid upon the table, be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. SHEPARD. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. SHEPARD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SHEPARD. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend title, page 1, line 1 of title, by inserting after the word "race" the following: "creed."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. LOVETT from the Committee on Public Utilities reported as amended, House Bill No. 1629, entitled:

An Act authorizing cities, boroughs and towns to construct, acquire, own operate and control electric power or light plants and appurtenances thereto, and to sell electrical energy both within and without their corporate limits; and conferring the power of eminent domain to acquire property for such purposes.

Mr. SHAW from the Committee on Pensions and Gratuities reported as committed, House Bill No. 220, entitled:

An Act to amend section fourteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 282), entitled "An act providing for the regulating, subject to certain restrictions, limitations and liabilities, assistance to, and the burial of certain aged indigent persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, and others; making counties liable for certain expenses; providing penalties; and making an appropriation," providing that inmates of almshouses may receive such assistance if otherwise eligible.

Mr. SHAW from the Committee on Counties reported as committed, House Bill No. 2334, entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties.

Mr. SHEPARD from the Committee on Insurance, reported as committed, House Bill No. 1032, entitled:

An Act exempting the net amount not exceeding five thousand dollars payable under life insurance policies from the claims of creditors of the insured or beneficiary.

Mr. HERMANSEN from the Committee on Education reported as committed, House Bill No. 23, entitled:

An Act to further amend sections five hundred and thirty-seven, five hundred and thirty-nine, five hundred and forty-one, five hundred and forty-three, five hundred and fifty-six, five hundred and fifty-seven, and five hundred and fifty-eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the abolition of the per capita tax and the levying and collection of an occupation tax.

Mr. SINWELL from the Committee on Insurance reported as committed, House Bill No. 2971 (Senate Bill No. 952), entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789) entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability

Mr. SURFACE from the Committee on Forestry reported as committed, House Bill No. 2913 (Senate Bill No. 1241), entitled:

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled " An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund, and adding to said board a member of the Pennsylvania Historical Commission.

Mr. SHEPARD from the Committee on Education reported as committed, House Bill No. 2922 (Senate Bill No. 1384), entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

Mr. CLIFF S. PATTERSON from the Committee on State Government reported as committed, House Bill No. 2938 (Senate Bill No. 1396), entitled:

An Act authorizing the Department of Property and supplies with the approval of the Governor to sell and convey three contiguous parcels of land.

Mr. WASSERMAN from the Committee on Insurance reported as committed House Bill No. 2950 (Senate Bill No. 55), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of the home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section four hundred and eleven A; establishing the effect of medical examinations or the waiver thereof in applications for life insurance, and restricting defenses by insurance companies in such cases.

Mr. MOOMAW from the Committee on State Government reported as committed House Bill No. 2986 (Senate Bill No. 1526), entitled:

An Act fixing the salary of the clerk to the President of the Senate.

Mr. GREENSTEIN from the Committee on Insurance, reported as committed House Bill No. 2979 (Senate Bill No. 1315), entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act aproved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682),

entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto.

Mr. SCHROPE from the Committee on Game reported as committed, House Bill No. 2946 (Senate Bill No. 1466), entitled:

An Act to amend section seven hundred and eighteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto" as amended; permitting dogs to be trained on Sunday during training season with the consent of owners of lands, except in certain cases.

Mr. COAKLEY from the Committee on Insurance reported as committed, House Bill No. 2967 (Senate Bill No. 1029), entitled:

An Act to amend section 410 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies Lloyds, associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provision which grant additional insurance specifically against death by accident, and further to amend the provisions relating to participation in surplus

Mr. LYNCH from the Committee on Forestry reported as committed, House Bill No. 2829 (Senate Bill No. 1017), entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park.

Mr. SHAW from the Committee on Counties reported as committed House Bill No. 1488 (Senate Bill No. 201), entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records.

Mr. JOHN J. BAKER from the Committee on State Government reported as committed House Bill No. 2983 (Senate Bill No. 1481), entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

Mr. McKINNEY from the Committee on State Government re-reported as amended House Bill No. 1301 (Senate Bill No. 168), entitled:

An Act creating a commission to allot all space in the Capitol Building and defining the duties of the said commission.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 220, entitled:

An Act to amend section fourteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four, (P. L. 282) entitled "An act providing for and regulating, subject to certain restrictions, limitations and liabilities, assistance to, and the burial of, certain aged indigent persons, and the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, and others; making counties liable for certain expenses, providing penalties; and making an appropriation," providing that inmates of almshouses may receive such assistance if otherwise eligible.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2334, entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1032, entitled:

An Act exempting the net amount not exceeding five thousand dollars payable under life insurance policies from the claims of creditors of the insured or beneficiary.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 23, entitled:

An Act to further amend sections five hundred and thirty-seven, five hundred and thirty-nine, five hundred and forty-one, five hundred and forty-three, five hundred and fifty-six, five hundred and fifty-seven, and five hundred and fifty-eight of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the abolition of the per capita tax and the levying and collection of an occupation tax.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2971 (Senate Bill No. 952), entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2913 (Senate Bill No. 1241), entitled:

An Act to amend section four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1667) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof and making an appropriation therefor" substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund and adding to said board a member of the Pennsylvania Historical Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2922 (Senate Bill No. 1384), entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2938 (Senate Bill No. 1396), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2950 (Senate Bill No. 55), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2986 (Senate Bill No. 1526), entitled:

An Act fixing the salary of the clerk to the President of the Senate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2979 (Senate Bill No. 1315), entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2946 (Senate Bill No. 1466), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended permitting dogs to be trained on Sunday during the training season with the consent of owners of lands except in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2967 (Senate Bill No. 1029), entitled:

An Act to amend section four hundred ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident and further to amend the provisions relating to participation in surplus.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2829 (Senate Bill No. 1017), entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1488 (Senate Bill No. 201), entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2983 (Senate Bill No. 1481), entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. EROE asked and obtained permission of the House for the Committee on Municipal Corporations to meet during the session of the House.

HOUSE BILL NO. 237 MADE A SPECIAL ORDER.

Mr. SOWERS. Mr. Speaker, I move that House Bill No. 237 Printer's No. 1082, entitled:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

on page 29 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 1:00 o'clock today.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, ninety-two members having voted in the affirmative and eighteen members having voted in the negative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTIONS

RESOLUTION NO. 160

Mr. JOHN E. BROWN. Mr. Speaker, I desire to call up at this time Resolution No. 160, Printer's No. 1316.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 27, 1935.

Whereas, The employes who are required to replace electric light bulbs on the ceiling fixtures of the Hall of the House of Representatives are exposed to extreme dangers because of improper facilities which are not available for this work: and

Whereas, The inherent right of a citizen to life and health is so valuable that the immortal Woodrow Wilson, in reply to criticisms during the war period over the expenditure of money said, "I would invest a million dollars to save one American boy;" and

Whereas, The members of this House, many of whom are fathers, do not wish any employe to unnecessarily endanger his life in order to provide brilliant lighting effects; therefore be it

Resolved, That the Speaker of this House appoint a Committee of three members of this House to investigate the cost of safe equipment for the use of employes in replacing electric light bulbs in the ceiling fixtures of the Hall of the House of Representatives and to report to the House as early as possible.

On the question,

Will the House adopt the resolution?

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I might say that at Harrisburg we have one of the finest capitols in the United States. It has been erected at a cost of, I believe, about thirteen million dollars, but since the construction of this building we have never put in any safe equipment for the employes of this House in order to reach the ceiling. I understand that the ceiling height of this room is forty-five feet. The present method of replacing the lamps is by means of a rather shaky ladder. A man holds the bottom of the ladder, but they have no way to hold the top.

Any man that has ever worked on a ladder knows it is extremely dangerous. I think we believe in safety first, we believe in that doctrine and I agree with Woodrow Wilson that the American boy is cheap at one million

dollars. If we have appropriated for this House forty thousand dollars for a ventilating system, and we have this loud speaker system, which costs twelve thousand dollars, I think we could very well afford to protect the employes of this House by securing an adjusted platform or some such method for reaching the ceiling.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, ninety-nine members having voted in the affirmative and six members having voted in the negative, the question was determined in the affirmative and the resolution was adopted.

RESOLUTION

CONGRATULATIONS EXTENDED HON. ANTHONY J. GERARD

Mr. COOLAHAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, June 12, 1935.

Whereas, On thursday of this week, the Hon. Anthony J. Gerard will have more or less successfully completed fifty-two years of his allotted span of life; and

Whereas, That in itself is a mater of congratulation for one born in Pittsburgh; and

Whereas. In addition thereto, our esteemed fellow-member has crowded into those years, service to his community and to his State, and thereby won the affection and esteem of all those who are fortunate enough to know him; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, extend to its respected member, the Hon. Anthony J. Gerard, its heartiest congratulations and best wishes; and be it further

Resolved, That the Chief Clerk of this body present to Mr. Gerard a copy of this resolution.

Mr. YOURISHIN in the chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1670 (Senate Bill No. 535), entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1513 (Senate Bill No. 466), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1674 (Senate Bill No. 539), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1306 (Senate Bill No. 363), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1395 (Senate Bill No. 181), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1283 (Senate Bill No. 173), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 557, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 603, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 592, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1150, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1394 (Senate Bill No. 155), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2822 (Senate Bill No. 295), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2929 (Senate Bill No. 963), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1935 (Senate Bill No. 299), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in the Dixmont Hospital at Dixmont Allegheny County

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2089 (Senate Bill No. 754), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2087 (Senate Bill No. 665), entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making an appropriation for carrying the same into effect

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2723, entitled:

An Act relating to police officers patrolmen firemen and park guards as therein defined in cities of the first class fixing their hours and basis of pay requiring the furnishing of uniforms and equipment by the city providing for medical attention establishing a pension system and providing for its management contribution thereto by such employes and the city and for payments therefrom

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1783, entitled:

An Act to amend section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" further defining cases in which imprisonment for debt shall or shall not be permitted

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORTS FROM COMMITTEES

Mr. EROE, from the Committee on Municipal Corporation reported as committed, House Bill No. 1366, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined, by adding thereto section one thousand two hundred and ten; providing for the preparation and furnishing by the Department of Internal Affairs to County Commissioners or boards for the assessment and revision of taxes of model forms for tax duplicates, tax bills and tax receipts to be used for tax collection purposes.

Mr. COAKLEY, from the Committee on Municipal Corporations reported as committed, House Bill No. 2399 entitled:

An Act fixing a uniform fiscal year for counties, boroughs, towns, townships, and certain school and poor districts, and providing such necessary tax, tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year

Mr. EROE, from the Committee on Municipal Corporations reported as amended, House Bill No. 1367 entitled:

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by changing the compensation of the township treasurer

Mr. EROE, from the Committee on Municipal Corporations reported as amended, House Bill No. 1368, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances."

Mr. KILROY, from the Committee on Public Utilities re-reported as amended, House Bill No. 2043, entitled:

An Act to amend subsection (v) of section one of article two, and section nine of article five of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad, corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporations concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission: making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act." by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons, and to operate and conduct a joint through traffic over the lines so connected, and giving the commission jurisdiction over such service and over the rules, regulations, rates, charges, costs and revenues pertaining thereto.

Mr. EROE, from the Committee on Municipal Corporations re-reported as amended, House Bill No. 370, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the real estate of public service companies subject to taxation and providing certain exceptions.

Mr. SCANLON, from the Committee on Municipal Corporations reported as amended, House Bill No. 2956 (Senate Bill No. 718) entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and poor districts thereof and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein of the officers of the consolidated city, including a public administrator, and abolishing certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property officers professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1366, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of Trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and ten providing for the preparation and furnishing by the Department of Internal Affairs to county commissioners or boards for the assessment and revision of taxes of model forms for tax duplicates tax bills and tax receipts to be used for tax collection purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2399, entitled

An Act fixing a uniform fiscal year for counties, boroughs, towns, townships, and certain school and poor districts, and providing such necessary tax, tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1632, as follows:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and ocupied by the Harmony Society and known as "Old Economy"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property situated in Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy" Such moneys shall be paid out on requisition of the Department of Public Instruction upon presentation of proper vouchers by the Pennsylvania Historical Commission

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2600, as follows:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven thousand five hundred dollars ($7,500) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Game Commissioners for the purpose of clearing title to certain lands purchased by said board and held in the name of the Commonwealth and for the purchase of outstanding titles and interests conflicting with the titles acquired by the Commonwealth

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2271, as follows:

An Act making an appropriation to the Trustees of the Duquesne University Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Trustees of the Duquesne University Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2952, (Senate Bill No. 1309), entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2516, entitled:

An Act requiring a license for the maintenance operation of any pump apparatus or appliance used for the purpose of raising withdrawing or removing liquid fuels from any place of storage and imposing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person partnership limited partnership association or corporation except the Federal Government the Commonwealth of Pennsylvania and its political subdivisions to keep maintain or operate any pump apparatus or appliance used or which can be used for the purpose of raising withdrawing or removing liquid fuels as defined in the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) as amended from any place of storage without having first obtained from the Department of Revenue a license for each such pump apparatus or appliance so maintained or operated Provided That any person partnership limited partnership association or corporation maintained or operating such pump apparatus or appliance at the effective date of this act shall have thirty days within which to obtain such license No license issued under the terms and provisions of this act shall be transferable in any manner whatsoever Each license issued hereunder shall be displayed in a conspicuous place upon the pump apparatus or appliance for which it is issued

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further consideration and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2926, as follows:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud corruption or dishonesty or profit to such councilmen and where the borough is in possession of and uses such fire apparatus

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the council of any borough heretofore purchased any fire apparatus after due advertisement as required by law and where the contract for the purchase of such fire apparatus did not comply in all respects with the advertisement therefore and where subsequent to the purchase of such fire apparatus the members of the council were surcharged for the purchase of such fire apparatus and were required to pay for the same but such fire apparatus continued and still continues in the possession and use of the borough although the borough did not actually contribute towards the cost thereof after the recovery of the surcharge then and in that event such borough shall have power to repay the amount of such surcharge to the persons paying the same if it shall have been held by a court of competent jurisdiction that no member of council of such borough was guilty of fraud corruption or dishonesty or profited individually or collectively from such transaction and the action of the council in repaying any such surcharge is hereby ratified confirmed and made valid

Section 2 This act shall become effective immediately upon its final amendment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2520, entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal imposing additional taxes equal to Federal credits" by adding thereto section two authorizing the payment of estate taxes under protest without prejudicing rights where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" is hereby amended by adding thereto section two which reads as follows

Section 2 In the event that the Federal Government in accordance with any Federal laws now or hereafter enacted shall assert against the estate of any decedent whether a resident or nonresident of the Commonwealth any deficiency tax in addition to the tax admitted to be payable by the return of such estate then and in every such event the executor administrator or person in actual or constructive possession of the property of such estate shall have the right at any time following such assertion of such such deficiency tax to pay under protest the whole or any part of the taxes which would be due by such estate to the Commonwealth under this act in respect of such deficiency tax if such assertion thereof be valid and the Secretary of Revenue shall issue his certificate showing each such payment and that the same was made under protest If in any proceeding now or hereafter authorized by Federal law the liability of such estate to pay such deficiency tax or any part thereof shall be brought in issue or the refund or repayment of the whole or any part of such deficiency tax shall be sought and

in or by virtue of such proceeding it shall be finally determined that the whole or any part of such deficiency tax is or was not payable by said estate then and in any such event the final determination so made shall automatically entitle the party who shall have made the aforesaid payment under protest to the Commonwealth to a credit in the amount of the difference between the amount of the tax imposed by this act if any in respect of such deficiency tax as so finally determined and the amount of said difference shall be entered by the Department of Revenue as a credit to the account of the party paying such tax immediately following said final determination under Federal law The Department of Revenue as and when requested by said party entitled to such credit shall issue to or upon the order of such party receipts in such assignable form as the Secretary of Revenue from time to time shall determine evidencing such credit Such credit or any part or any such certificates evidencing the whole or any part thereof shall be assignable by the party originally entitled thereto or any assignee thereof to any other person firm association or corporation and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania in respect of any taxes or governmental charges theretofore or thereafter imposed by law

On the question,

Will the House agree to the section?

Mr. POWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 4, line 1, by inserting after the word "determined" the following: "and the amount so paid under protest"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. POWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 4, by inserting after line 18, the following: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal imposing additional taxes equal to Federal credits" by adding thereto section two authorizing the payment of estate taxes under protest without prejudicing rights where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2299, as follows:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all bonds or other evidences of debt held by any domestic insurance corporation or any insurance corporation authorized to do business in this State shall if amply secured and if not in default as to principal or interest be valued as follows If purchased at par at the par value if purchased above or below par on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made Provided That the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase And provided further That the Insurance Commissioner shall have full discretion in determining the method of calculating values according to the foregoing rule and the value found by him in accordance with such method shall be final and binding Provided also That any such corporation may return such bonds or other evidences of debt at their market value or their book value but in no event at an aggregate value exceeding the aggregate of the values calculated according to the foregoing rule Provided That where a bond or evidence of debt amply secured and not in default as to principal or interest has been acquired as the result of an exchange of securities and the Insurance Commissioner has determined such transaction to be an exchange and to be for the betterment of the corporation's portfolio and has given written approval thereto the purchase price of such bond or evidence of debt shall be deemed to be the value of the securities exchanged therefor as shown in the last preceding annual statement of the corporation filed with the Insurance Commissioner

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideratio nof House Bill No. 2827, as follows:

An Act to further amend section two of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of

property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" by imposing a graduated tax and allowing further deductions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twentieth day of June one thousand nine hundred nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a nonresident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as last amended by the act approved the fifteenth day of May one thousand nine hundred twenty-five (Pamphlet Laws eight hundred six) is hereby further amended to read as follows

Section 2 All taxes imposed by this act shall be imposed upon the clear value of the property subject to the tax [and shall in each estate be equal to twenty-five per centum of the estate tax imposed upon the net estate of such decedent under the provisions of section three hundred and one of the Revenue Act of one thousand nine hundred and twenty-four of the United States but if said section of said Revenue Act is repealed or if no tax is imposed on such estate by said section of said act or if twenty-five per centum of the tax imposed by said section amounts to less than the following rates then in either event the taxes imposed by this act shall be at the rate of two per centum upon the clear value of the property subject to such tax] Property passing to or for the use of father mother husband wife children lineal descendants born in lawful wedlock legally adopted children lineal descendants born in lawful wedlock of legally adopted children children of a former husband or wife or the wife or widow of the son of a person dying seized or possessed thereof and also on the clear value of such property passing from the mother of an illegitimate child or from any person of whom the mother is a lineal descendant to such child his wife or widow and passing from an illegitimate child to his mother [and at the rate of ten per centum upon the clear value of the property subject to such tax] shall be taxable at the following rates

One per centum of the amount of the net estate not in excess of five thousand dollars ($5,000)

Two per centum of the amount by which the net estate exceeds five thousand dollars ($5,000) and does not exceed ten thousand dollars ($10,000)

Three per centum of the amount by which the net estate exceeds ten thousand dollars ($10,000) and does not exceed fifty thousand dollars ($50,000)

Four per centum of the amount by which the net estate exceeds fifty thousand dollars ($50,000)

Property passing to or for the use of any other person or persons bodies corporate or politic [to] shall be taxable at the following rates

Seven per centum of the amount of the net estate not in excess of five thousand dollars ($5,000)

Ten per centum of the amount by which the net estate exceeds five thousand dollars ($5,000) and does not exceed fifty thousand dollars ($50,000)

Twelve per centum of the amount by which the net estate exceeds fifty thousand dollars ($50,000) and does not exceed one hundred thousand dollars ($100,000)

Fourteen per centum of the amount by which the net estate exceeds one hundred thousand dollars ($100,000)

All of such taxes shall be paid for the use of the Commonwealth In ascertaining the clear value of such estates the only deductions to be allowed from the gross values of such estates shall be the debts of the decedent reasonable and customary funeral expenses bequests or devises in trust in reasonable amounts the entire interest or income from which is to be perpetually applied to the care and preservation of the family burial lot or lots their enclosures and structures erected thereon reasonable expenses for the erection of monuments or gravestones grave and lot markers [and] the expenses of the administration of such estates and a deduction in the amount of two thousand dollars ($2,000) Provided That if the property is transferred to two or more beneficiaries unless otherwise provided by the testator then the said deduction of two thousand dollars ($2,000) herein provided for shall be apportioned pro rata among the several beneficiaries in the proportion that their respective legacies or distributive shares bear to the total amount of the net estate subject to the tax herein imposed And provided further That the estate of a nonresident shall be entitled only to such proportion of said deduction of two thousand dollars ($2,000) as the value of said estate taxable under the provisions of this act bears to the value of the entire estate but if the executor administrator or trustee of such nonresident decedent's estate shall fail to file with the Department of Revenue within the time prescribed by the Department a statement showing the full and fair cash value of the entire estate no such deduction shall be allowed [no] No deduction whatsoever shall be allowed for or on account of any taxes paid on such estates to the Govern ment of the United States or to any other State or Territory

Section 2 This act shall become effective thirty days after its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2523, entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to and to amend section one thousand two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended authorizing any person associa-

tion corporation or public officer against whom an account has been settled or against whom an account may be settled on the basis of a report filed to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement without prejudice to the right of resettlement review or appeal and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay licenses fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended by adding thereto sections one thousand one hundred eight and one thousand one hundred nine to read as follows

Section 1108 Payment of Accounts After Settlement Without Prejudice to Right of Resettlement Review and Appeal Whenever any settlement of an account in favor of the Commonwealth for any tax bonus or other claim shall have been made by the Department of Revenue and shall have become valid by approval of the Auditor General or otherwise any person association corporation public officer or other debtor against whom such settlement shall have been made believing himself itself or themselves aggrieved thereby shall have the right at any time thereafter to pay to the Department of Revenue the full amount of such settlement or any part thereof without prejudice to his its or their right to present and prosecute a petition for resettlement to the Department of Revenue a petition for review to the Board of Finance and Revenue or an appeal to the Court of Common Pleas of Dauphin County in the manner provided in this act Provided That such payment shall be accompanied by a protest that the whole or any designated part of such payment is not justly and legally due and with the payment of such interest if any as may then be due upon the principal sum Paid

If the whole or any part of such settlement so paid under protest shall be paid within sixty (60) days after the settlement shall have become valid no interest or commission to the Attorney General shall be charged or collected thereon

If such payment shall be made at any time after the expiration of sixty (60) days and within ninety (90) days after the settlement shall have become valid or at any time after ninety (90) days thereafter and while there is pending a petition for resettlement or a petition for review it shall be accompanied by payment of such interest as is due and payable thereon under the provisions of this act

If such payment be made at any time after the Board of Finance and Revenue shall have acted upon a petition for review and within twenty-one (21) days after an appeal has been filed in the Court of Common Pleas of Dauphin County it shall be accompanied with payment of interest at the rate of six per centum per annum but without any commission to the Attorney General

If such payment be made at any time after twenty-one (21) days after an appeal has been filed in the Court of Common Pleas of Dauphin County it shall be accompanied with the payment of interest at the rate of six per centum per annum and a commission to the Attorney General at the rate fixed by this act

Whenever the principal amount due upon a resettlement or the principal amount determined to be due upon a petition to the Board of Finance and Revenue is less than the principal amount paid to the Department of Revenue under protest and the person association corporation public officer or other debtor against whom such settlement has been made is satisfied therewith or whenever the principal amount due upon the final judgment entered on any appeal is less than the principal amount paid to the Department of Revenue under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of such person association corporation public officer or other debtor Such credit may be used by the person association corporation public officer or other debtor to whose account it is entered in payment of any tax bonus or other claim which may be or become due from him it or them to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association corporation public officer or other debtor and such assignee may use it in payment of any such obligation to the Commonwealth

Section 1109 Payment Before Settlement Without Prejudice to Right of Resettlement Review or Appeal Any person association or corporation which is required to make to the Department of Revenue a report upon the basis of which any bonus tax or other charge is to be settled or assessed shall have the right prior to such settlement to pay to the Department of Revenue on account thereof any amount which he it or they may elect without prejudice to his its or their right after such settlement shall have been made to present and prosecute a petition for resettlement to the Department of Revenue a petition for review to the Board of Finance and Revenue or an appeal to the Court of Common Pleas of Dauphin County in like manner as if such payment had not been made

If the amount finally determined to be due shall be less than the amount paid the difference may be used by such person association or corporation in payment of any tax bonus or other claim which may be or become due from him it or them to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

Section 2 That section one thousand two hundred and two of said act as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 1202 Procedure for the Collection of Transfer Inheritance Taxes on Transfers from Estates of Nonresident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection of transfer inheritance taxes on transfers from estates of nonresident decedents

(a) Whenever property within this Commonwealth is transferred from a decedent who was a nonresident of the Commonwealth at the time of death the Department of Revenue whenever occasion may require on the application of any interested party or upon its own motion shall appoint an appraiser to appraise the value of such prop-

erty if subject to transfer inheritance tax Every such appraiser shall forthwith give notice by mail to such person as the Department of Revenue shall direct of the time and place when and where he will appraise such property He shall at such time and place make a fair conscionable appraisement of said property and assess and fix the cash value of all annuities on life-estates growing out of said estates upon which annuities and life-estates the tax imposed by this act shall be immediately payable out of the estate and he shall make report thereof and of such value in writing to the Department of Revenue which report shall be filed in the office of the department and the department shall immediately give notice thereof by mail to all parties known by it to be interested therein

(b) Whenever the interests of the Commonwealth may require the Department of Revenue is authorized to appoint such additional appraisers or employ such investigators or experts as it may deem best to make appraisements of or investigations in regard to the property of any nonresident decedent subject to transfer inheritance tax The compensation of all such persons so employed by the department shall be fixed by the Secretary of Revenue with the approval of the Governor as in other cases

(c) Any person not satisfied with the appraisement made by an appraiser appointed by the Department of Revenue may appeal within thirty days to the court of common pleas of Dauphin County on paying or giving security to pay all costs together with whatever tax shall be fixed by the court Upon such appeal the court may determine all questions of valuation and the liability of the appraised estate for such tax subject to the right of appeal to the Supreme or Superior Court

Any person not satisfied with such appraisement shall have the right at any time thereafter to pay the full amount of the tax assessed thereon or any part thereof without prejudice to his right to file and prosecute an appeal therefrom Provided That such payment shall be accompanied with a protest that the whole or any designated part thereof is not justly and legally due and with the payment of such interest if any as may then be due upon the principal sum paid Whenever the whole or any part of such tax shall have been so paid under protest before the filing of an appeal the appellant shall be required to give security only for the payment of all costs and such additional tax as shall be fixed by the court

Whenever the amount of tax determined by the final judgment entered upon any such appeal shall be less than the principal sum paid under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of the appellant Such credit may be used by the appellant in payment of any other tax claim or charge which may be due or become due from him to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

(d) The Department of Revenue shall enter in a public record the returns made by all appraisers appointed by it to appraise the property of nonresident decedents within this Commonwealth subject to transfer inheritance taxes opening an account in favor of the Commonwealth against each such decedent's estate The Department of Revenue may give certificates of payment of said tax from said record and upon payment thereof shall give a receipt therefor to the party paying the same

Mr. POWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 10, by inserting after line 9 the following section: "Section 3. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to and to amend section one thousand two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended authorizing any person association corporation or public officer against whom an account has been settled or against whom an account may be settled on the basis of a report filed to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement without prejudice to the right of resettlement review or appeal and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2521, entitled:

An Act to amend section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents without prejudice to the right of appeal

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and is hereby enacted by the authority of the same That section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-nine) is hereby further amended to read as follows

Section 13 Any person not satisfied with any appraisement of the property of a resident decedent may appeal within thirty days to the orphans' court on paying or giving security to pay all costs together with whatever tax shall be fixed by the court The appeal shall specify all the objections to said appraisement and any objections not specified in the appeal shall not be considered by the court Upon such appeal the court may determine all questions of valuation and of the liability of the appraised estate for such tax subject to the right of appeal to the Supreme or Superior Court

Any person not satisfied with such appraisement shall have the right at any time thereafter to pay the full amount of the tax assessed thereon or any part thereof without prejudice to his right to file and prosecute an appeal therefrom Provided That such payment shall be accompanied with a protest that the whole or any designated part thereof is not justly and legally due and with the payment of such interest if any as may then be due upon the principal sum paid Whenever the whole or any part of such tax shall have been so paid under protest before the filing of an appeal the appellant shall be required to give security only for the payment of all costs and such additional tax as shall be fixed by the court

Whenever the amount of tax determined by the final judgment entered upon any such appeal shall be less than the principal sum paid under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of the appellant Such credit may be used by the appellant in payment of any other tax claim or charge which may be due or become due from him to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

Mr. POWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 4, by inserting after line 2 the following section: "Section 2. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents without prejudice to the right of appeal.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2925, as follows:

An Act to amend section four of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number ninety-one) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" by changing the time of payment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number ninety-one) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" is hereby amended to read as follows

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April one thousand nine hundred and thirty-seven to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report re-

quired herein shall pay to the department not less than one-half of the tax due to the Commonwealth by it for the preceding year and the remaining one-half of such tax shall be paid on or before the fifteenth day of [may] the succeeding month The amount of all taxes imposed under the provisions of this act not paid on or before the time as above provided shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation shall be permitted to make the report herein required within sixty (60) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1876, as follows:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporatiaon required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties the interest charges shall be stricken off

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" which was amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 1209 Collection of Amounts Payable to State Institutions The Department of Revenue shall place its agent in every State institution for the purpose of collecting all moneys due to such institutions from patients pupils inmates or the estates of such patients pupils or inmates or from any political subdivision of this Commonwealth including school districts and poor districts or from the Federal Government or from any other person association corporation or public agency whatsoever for care treatment instruction maintenance or any other expense chargeable for or on account of such patients pupils or inmates

All bills rendered hereunder shall be in the style "Commonwealth of Pennsylvania Department of Revenue Agent for the Collection of Moneys Owing to (name of institution or its board of trustees)"

All such bills shall be due when rendered and shall bear interest at the rate of six per centum per annum from thirty days after their date

Where it appears to the Secretary of Revenue that a political subdivision of the Commonwealth including school districts and poor districts has been delinquent in any such bills or accounts because of unavoidable financial difficulties created by delinquency in local tax collections the Department of Revenue shall strike off such interest charges

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2755, as follows:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" extending the provisions of said act to certain other contracts and retirement pensions and increasing the amount to be so exempt

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any policy or contract of insurance or annuity or optional annuity contract or retirement allowance or pension heretofore or hereafter taken out or issued or granted to any solvent citizen thereof whereof the said insured or purchaser of said annuity or the purchaser of said contract or the retired person shall be the beneficiary or annuitant not exceeding in income or return therefrom [one] two hundred dollars [($100.00)] ($200.00) per month shall be exempt from and be free and clear from the claim of [all his or her] the creditors and from all legal and judicial processes of execution attachment or otherwise whatsoever

Section 2 If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2786 (Senate Bill No. 300), entitled:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics' lien therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2873 (Senate Bill No. 1005), entitled:

An Act to amend the penal clause of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the tilting including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alderman justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 523, as follows:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended changing the time in actions of replevin when the plaintiff may take judgment against the defendant for default of appearance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended by section one of the act approved the nineteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws fourteen) is hereby further amended to read as follows

Section 5 The defendant or party intervening shall within fifteen days after the filing of such declaration file an affidavit of defense thereto setting up the facts denying plaintiff's title and showing his own title to said goods and chattels and in event of his failure so to do upon proof that a copy of said declaration was served upon him or his attorney judgment may be entered for the plaintiff and against the defendant or party intervening which judgment shall operate to forfeit any counter bond given by him The court may enter judgment with like effect for want of a sufficient affidavit of defense or for such goods and chattels as may be admitted to be the property of the plaintiff in the affidavit of defense or may enter judgment with like effect for such goods and chattels as to which the court may adjudge the affidavit of defense sufficient And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels replevied he may proceed to recover such goods and chattels by writ of retorno habendo or the value thereof after assessment of damages on a writ of inquiry of damages

issued and the case shall be proceeded in for recovery of the balance If the defendant has been duly summoned and does not appear at the return day of the writ the plaintiff having filed his declaration may file a common appearance for the defendant and proceed in the cause as in other cases Where the writ has been returned nihil habet as to the defendant it shall be lawful for the plaintiff at and after [the third term of the court] forty-five days after the execution of the writ to take judgment against the defendant for default of appearance Provided That the plaintiff fifteen days prior to the entry of said judgment shall have filed his declaration

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2312, entitled:

An Act to further amend section two hundred forty-six of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further defining the qualifications of district attorneys in counties of the sixth class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred forty-six of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the ninth day of June one thousand nine hundred thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 246 Qualifications Eligibility Compensation The district attorney shall be a person learned in the law who has been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth at the time of his election or appointment and who shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment and who is a resident of such county Provided That in any county of the sixth class any person who shall possess all the above qualifications except that of being admitted to practice as an attorney in the Supreme or Superior Court shall be qualified to hold the office of district attorney in such county if he shall have been admitted to practice before the local courts of record of such county at least five years next preceding his election or appointment In counties of the third class the district attorney shall receive a salary of seven thousand five hundred dollars ($7,500) per annum

In counties of the fourth class the district attorney shall receive a salary o fsix thousand dollars ($6,000) per annum

In all other classes of counties the district attorney shall receive the salary now provided by law

No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the State excepting an office or commission in the militia of the State during his continuance in office

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. DILLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2496, as follows:

An Act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Declaration of Necessity It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Commonwealth and that many persons of low income are forced to reside in such dwelling accommodations that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth and impair economic values that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodation for persons of low income are public uses and purposes for which private property may be acquired that it is in the public interest that work on such project be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination

Section 2 Housing Project The term "housing project" whenever used in this act shall mean any undertaking (a) to demolish clear remove alter or repair unsafe or unsanitary housing or (b) to provide dwelling accommodations for persons of low income and said term may also include such buildings and equipment for recreational or social assemblies for educational health or welfare purposes and such necessary utilities as are designed primarily for the benefit and use of the occupants of such dwelling accommodations

Section 3 Eminent Domain for Housing Projects Any corporation which is an agency of the United States of America shall have the right to acquire by eminent domain any real property including improvements and fixtures thereon which it may deem necessary for a housing project being constructed operated or aided by it or the United States of America Any corporation borrowing money or receiving other financial assistance from the United States of America or any agency thereof for the purpose of financing the construction or operation of any housing project or projects the operation of which will be subject to public supervision or regulation shall have the right to acquire by eminent domain any real property including fixtures and improvements thereon which it may deem necessary for such project A housing project shall be deemed to be subject to public supervision or regulation within the meaning of this act if the rents to be charged by it are in any way subject to the supervision regulation or approval of the United States of America the Commonwealth or any of their subdivisions or agencies or by a housing authority city municipality or county whether such right to supervise regulate or approve be by virtue of any law statute contract or otherwise

Any such corporation agency of the United States of America or any such corporation upon the adoption of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use may exercise the power of eminent domain pursuant to and in the manner prescribed in the Public Work Eminent Domain Law (Act Number) approved the day of one thousand nine hundred thirty-five (Pamphlet Laws

Section 4 Severability That if any one or more clauses sentences or parts of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any clause or provision of this act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance

Section 5 Effective Date This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2880 (Senate Bill No. 484), entitled:

An Act to amend section seven of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended further regulating the construction of voting machines

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2910 (Senate Bill No. 935), entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2936 (Senate Bill No. 1390), entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by cancelling cerain judgments against townships

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or coun-

ties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seven) is hereby further amended to read as follows

Section 29 The work of maintaining and repairing all State-aid highways improved under the provisions of this act or which shall have been previously reconstructed by State aid shall be done by the Department of Highways and fifty (50) per centum of the cost thereof shall be paid by the several townships wherein such roads may lie or by the county when such roads have been improved upon the petition of such county without the cooperation of the township [Whenever the obligation] All obligations of any township for the cost of maintaining and repairing any State-aid highways reconstructed by State aid previous to the passage of the act to which this is an amendment [remains] which remain unpaid [and has] whether or not the same have been reduced to judgment by the Department of Justice are hereby cancelled and forgiven and shall no longer be or remain obligations of any such township [the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the township against which the judgment has been obtained for the payment of such judgment in installments Such agreement may be made whenever it appears that the township is unable to pay the judgment at once by reason of its financial condition and shall provide for the liquidation of such judgment in definite payments over a period not exceeding five years If it shall appear that the township by reason of its financial condition would be unable to pay the full amount of such judgment in installments over a period of five years the Attorney General with the approval of the Auditor General and State Treasurer may compound or settle such judgment for such portion thereof as such officers may find the township to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement]

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SIMON. Mr. Speaker, at the request of the Chairman of Committee on Highways I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2935 (Senate Bill No. 1243), entitled:

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing the method by which a foreign business corporation may change the address of its registered office

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of ouse Bill No. 2930 (Senate Bill No. 213), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of ouse Bill No. 2932 (Senate Bill No. 1025), entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates of of certified copies thereof permitting the recording of such certificates or copies thereof and making certified copies of the record of certified copies of certificates competent evidence for all purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2934 (Senate Bill No. 1236), entitled:

An Act to amend section three hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing a rule for the investment of funds given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or charitable purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2878 (Senate Bill No. 106), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2964 (Senate Bill No. 255), entitled:

An Act to amend Rule thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2260 (Senate Bill No. 441), entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TAHL. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Mr. SPROUL. Mr. Speaker, I desire to call up at this time House Bill No. 1554, Printer's No. 1417, on page 11 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1554, as follows:

An Act Relating to landlord and tenant and amending revising changing and consolidating the law relating thereto

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Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the laws relating to landlord and tenant are hereby amended revised changed and consolidated as follows

ARTICLE I

PRELIMINARY PROVISIONS

Section 101 SHORT TITLE EFFECTIVE DATE. This act shall be known and may be cited as "The Landlord and Tenant Law" It shall become effective

Section 102 DEFINITIONS (a) The word "landlord" as used in this act shall be construed to mean any person who is the lessor or sub-lessor or the assignee or grantee of the lessor or sub-lessor of any real property and every other person having the legal right to receive or collect rent from a tenant of real property in periodical installments or otherwise for the use or occupancy of such real property

(b) The word "tenant" as used in this act shall be construed to mean any person who by lease or operation of law becomes the lessee or sub-lessee or who is the personal representatives or assignee of the lessee or sub-lessee of any real property the title of which is in another who is liable for rent to a landlord for the use of occupancy of such real property and shall include tenants for life or lives for one or more years at will or otherwise

(c) The word "rent" as used in this act shall be construed to mean the compensation or consideration or return in money or otherwise to be paid made or rendered by a tenant to a landlord for the use or occupancy of any

demised real property including the use of any personalty on such real property which may be demised with the real property

(d) The term "real property" as used in this act shall be construed to include messuages lands tenements interest therein and shall be construed to include any personalty on real property which is demised with the real property

(e) The term "personal property" as used in this act shall be construed to mean goods and chattels including fixtures and buildings erected by the tenant and which he has the right to remove agricultural crops whether harvested or growing and livestick and poultry

(f) The word "person" as used in this act shall be construed to include natural persons copartnerships associations private corporations fiduciaries the United States and its governmental agencies the Commonwealth of Pennsylvania and its political subdivisions

(g) The word "magistrate" as used in this act shall be construed to include magistrates justices of the peace and aldermen

(h) Singular words shall be construed to include the plural and vice versa Masculine words shall be construed to include the feminine and neuter

Section 103 PROVISIONS EXCLUDED FROM ACT Nothing contained in this act shall be construed to include or in any manner repeal or modify any existing law

(a) Providing for preference of rent in case personal property liable to distress is taken and sold by virtue of any execution and providing for the payment of such rent from the proceeds of such execution

(b) Denying to a plaintiff the right to stay an execution without the consent of the landlord having a preference for rent due payable from the proceeds of such execution

(c) Providing that a sale on distress shall be stayed where the personal property distrained upon is levied upon by a sheriff or where a receiver or a trustee or receiver in bankruptcy is appointed for the person whose property was distained and providing for a lien for the rent on the proceds of the sale of such personal property by such officer and the payment of such rent together with the costs of executing the landlord's warrant from the proceeds of such sale

(d) Providing for preference of rent in cases of insolvency and assignment for the benefit of creditors and in bankruptcy proceedings

(e) Providing for preference of rent in the settlement of estates of decedents

(f) Fixing the liability of the tenant to pay taxes assessed against real property occupied by him and permitting the tenant to recover the amount of the tax so paid from the landlord or to defalcate such amount against rent due or becoming due

(g) Providing for the issuing of writs of estrepement to stay waste committed by a tenant or by others allowed by a tenant to commit waste and for the procedure in such cases

(h) Fixing the duties and liabilities of tenants and the rights of landlords in connection with actions of ejectment brought by third parties

(i) Prescribing special proceedings for the obtaining of possession of real property purchased at tax or judicial sales and providing for and defining the rights remedies duties and liabilities of such purchasers and tenants affected thereby

(j) Except as herein specifically provided fixing fees of justices of the peace aldermen magistrates sheriffs or constables in any proceedings affecting the relationship of landlord and tenant

Section 104 CONSTRUCTION PENDING PROCEEDINGS The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments

The repeal by this act of any act of assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

Where any existing act of assembly incorporated into and repealed by this act is also amended by other legislation enacted at this session of the General Assembly such separate amendment shall be construed to be in force notwithstanding the repeal by this act of the act it amends and such separate amendment shall be construed to prevail over the corresponding provisions of this act

Where any law enacted at this session of the General Assembly supersedes and repeals any law incorporated into this act the separate enactment shall be construed to prevail over the corresponding provisions of this act It is hereby declared as the legislative intent that separate amendments modification and changes in the existing laws made this session of the General Assembly shall in each case prevail over the provisions of law codified and reenacted in this act

The provisions of this act shall not affect any act done liability incurred or right accrued or vested or affect any suit action or proceeding pending to enforce any right or penalty under the authority of any act of assembly repealed by this act Such suit action or proceeding shall and may be proceeded with and concluded under the laws in existance when such suit action or proceeding was instituted notwithstanding the repeal of such laws by this act or the same may be proceeded with and concluded under the provisions of this act

Section 105 CONSTITUTIONALITY The provisions of this act are severable and if any of the provisions thereof are held to be unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

ARTICLE II

CREATION OF LEASES STATUTE OF FRAUDS MORTGAGING OF LEASEHOLDS

Section 201 POWER TO LEASE REAL PROPERTY Real property may be leased by a landlord or his agent to a tenant or his agent by oral or written contract or agreement Any such leasing may include any personalty upon the premises leased

Section 202 LEASES FOR MORE THAN THREE YEARS TO BE IN WRITING OTHERWISE TO BE CONSTRUED AS LEASES AT WILL Any lease of real property for a term of more than three years from the making thereof must be in writing and signed by the parties making or creating the same otherwise it shall have the force and effect of a lease at will only and shall not be given any greater force or effect either in law or equity notwithstanding any consideration therefor unless the tenancy has continued for more than one year and the landlord and tenant have recognized its rightful existence by claiming and admitting liability for the rent in which case the tenancy shall become one from year to year

Section 203 ASSIGNMENT GRANT AND SURRENDER OF LEASES TO BE IN WRITING EXCEPTION No lease of any real property made or created for a term of more than three years shall be assigned granted or surrendered except in writing signed by the party assigning granting or surrendering the same or his agent unless such assigning granting or surrendering shall result from operation of law

Section 204 MORTGAGING OF LEASEHOLDS Every tenant of real property may mortgage his lease or term in the demised premises together with all building fixtures and machinery thereon and appurtenant thereto belonging to the tenant

Any such mortgaging of the tenant's interest and title shall have the same effect with respect to lien notice evidence and priority of payment as is provided by law in the case of the mortgaging of a freehold interest and title

Any such mortgage shall be acknowledged and placed on record in the proper county together with the lease as in the case of mortgages on freehold interests If the lease is recorded in the office of the recorder of deeds of the proper county at or before the time of the recording of the mortgage such recording shall be deemed sufficient compliance with this section if full and distinct reference is made in said mortgage to the book and page where the lease is recorded

Any such mortgage of a tenant's interest and title may be enforced in the same manner as mortgages on freehold interests

No such mortgage shall in any wise interfere with the landlord's rights priority or remedies for rent

ARTICLE III

RECOVERY OF RENT BY ASSUMPSIT AND DISTRESS

Section 301 RECOVERY OF RENT BY ASSUMPSIT Any landlord may recover from a tenant rent in arrear in an action of assumpsit as debts of similar amount are by law recoverable In any such action interest at the legal rate on the amount of rent due may be allowed if deemed equitable under the circumstances of the particular case

Section 302 POWER TO DISTRAIN FOR RENT NOTICE Personal property located upon premises occupied by a tenant shall unless exempted by article four of this act be subject to distress for any rent reserved and due Such distress may be made by the landlord or by his agent duly authorized thereto in writing Such distress may be made on any day except Sunday between the hours of seven ante meridian and seven post meridian and not at any other time except where the tenant through his act prevents the execution of the warrant during such hours

Notice in writing of such distress stating the cause of such taking specifying the date of levy and the personal property distrained sufficiently to inform the tenant or owner what personal property is distrained and the amount of rent in arrear shall be given within five days after making the distress to the tenant and any other owner personally or by leaving the same at the principal building upon the premises or by posting the same conspicuously on the premises charged with the rent

A landlord or such agent may also in the manner above provided distrain personal property located on the premises but only that belonging to the tenant for arrears of rent due on any lease which has ended and terminated if such distress is made during the continuance of the landlord's title or interest in the property

Section 303 COLLECTION OF RENT IN SPECIAL CASES The owner of a ground rent may in the manner above provided collect rent reserved and due by assumpit or by distraint on personal property located on the real property subject to such ground rent

Every personal representative of a deceased landlord including every personal representative of a deceased tenant for life who has demised the real property subject to his life estate shall have the right to collect and to distrain for rent accrued at the time of the death of the decedent as provided by law and every personal representative of a deceased owner of real property shall have the right to collect and distrain for such rent accruing subsequent to the death of the decedent as he may be authorized by decree of the orphans' court to collect for the payment of the debts of the decedent as provided by law and every personal representative of a deceased landlord whose real property has escheated to the Commonwealth shall also have the right to collect and to distrain for such rent as may accrue subsequently to the death of the person whose property has escheated

The spouse of a deceased landlord to whom real property has been confirmed and set apart as his or her allowance as provided by law and the widow or children of any deceased landlord to whom real property has been confirmed and set apart for the widow's or children's exemption as provided by law shall have the right to collect and to distrain for rent due from the date of the death of the decedent

A widow may in the manner above provided distrain personal property located on real property for any instalment of dower due where such dower has been made a charge on such real property by deed agreement or decree of court Any person given the right by this section to collect and distrain for rent shall be deemed for the purpose of this article to be a landlord notwithstanding that such person is not included in the word "landlord" as defined in this act

Section 304 COLLECTION OF RENT BY PURCHASERS AT SHERIFFS' AND JUDICIAL SALES In the case of a tenant whose right of possession is not paramount to that of the purchaser at a sheriff's or other judicial sale the latter shall have the right as a landlord to collect by assumpsit or to distrain for rent from the date of recording of his deed except for such fractional part of a quarter as the tenant if a farmer or engaged in raising crops or produce or such fractional part of a month in other cases as the tenant may in accordance with the terms of his letting have paid as an advance payment prior to the date of delivery of said deed In the case of a tenant whose right of possession is paramount to that of such purchaser advance rent paid prior to the date of delivery of the purchaser's deed shall be deemed properly paid though paid prior to its due date unless it is so paid with the actual notice of the pendency of the proceedings resulting in the sale or with intent to defeat the rights of a purchaser thereat

The right of possession of a tenant shall be deemed paramount to that of a purchaser at a judicial sale if and only if the letting to him shall precede in point of date the entry of the judgment order or decree on which such sale was had and also shall precede the recording or registering of the mortgage deed or will if any through which by legal proceedings the purchaser derives title and shall not be paramount if the letting is made with actual notice to such tenant of the contemplated entry of such judgment order or decree or of the fact of the execution of such mortgage deed or other instrument of writing and with intent to avoid the effect thereof

Section 305 DISTRESS OF PROPERTY FRAUDULENTLY REMOVED In case any tenant of any real property shall fraudulently or cladestinely remove from the demised premises his personal property with intent to prevent the landlord from distraining the same for arrears of rent it shall be lawful for the landlord or his agent within the space of thirty days next after knowledge of such removal to take and seize such personal property wherever the same may be found in distress for said arrears of rent and to proceed to sell the same as hereinafter provided as if the personal property had actually been distrained upon on the demised premises

Section 306 REPLEVIN BY TENANT OR OWNER The tenant or owner of any personal property distrained on may within five days next after notice of such distress replevy the same All proceedings in replevin shall be conducted in accordance with general law governing actions of replevin except that the defendant in such action shall not be permitted to give a claim property or counter bond or to retain custody of the personal property levied upon

The several courts of common pleas shall adopt and enforce rules providing for the filing of affidavits of defense in the nature or counter claims and for the filing of relies thereto and for the entry of judgment against the plaintiff for want of reply or for an insufficient reply

Section 307 PROCEEDING BY TENANT TO DETERMINE SET-OFF Any court of record or court not of record having jurisdiction in civil actions at law may entertain an action to defalcate by a tenant against a landlord where the landlord has distrained for arrears of rent to compel the landlord to set-off any account which the tenant may have against the landlord No such court shall entertain any such action where the rent or set-off claimed is in excess of its civil jurisdiction Proceedings in such actions shall be the same as in actions of assumpsit

The court shall determine the amount of rent in arrears and the amount of the set-off if any and enter judgment in favor of the proper party for the balance due

If such judgment is in favor of the landlord he may in lieu of issuing execution thereon proceed with his distress for the amount of such judgment If the landlord shall sell more personal property than necessary to satisfy such judgment and costs and fail to pay the overplus to the tenant he shall be liable in tresspass to double the amount of the sum so detained together with the costs of suit If the landlord shall proceed to sell any personal property after notice of any such proceeding to defalcate and before judgment in his favor thereon he shall be liable

in trespass to double the amount by which the sum realized from such sale exceeds the sum to which he shall be found to be entitled by the final judgment in the defalcation proceeding together with the costs of suit in the defalcation proceeding if such judgment be in his favor

If the landlord proceeds with the distress he shall satisfy the judgment to the extent of the amount realized on the sale less the costs of the distress or on his failure to do so the tenant may proceed by rule to have such satisfaction entered

Section 308 APPRAISEMENT OF PROPERTY LEVIED UPON If the tenant or owner of the personal property levied upon fails to replevy the same within said five days after distress and notice thereof the person distraining may with the sheriff or his deputy or any constable or his deputy which officer upon demand of the landlord shall aid and assist cause the personal property so distrained to be appraised by two disinterested and competent persons appointed by said officer

The appraisers shall each take the following oath or affirmation to be administered by the assisting officer

"I.....do solemnly swear (or affirm) that I will well and truly according to my understanding appraise the personal property of ..... distrained for rent by....."

Each appraiser shall receive one dollar per diem for his services in making the appraisement to be paid out of the proceeds of the sale

Section 309 SALE AND NOTICE THEREOF DISTRIBUTION OF PROCEEDS After the appraisement has been completed the sheriff deputy sheriff constable or deputy constable shall fix a day time and place of sale of which at least six days' public notice in writing shall be given by handbills The notice of sale shall specify the personal property to be sold sufficiently to inform the tenant or owner and to be inductive to bidders to attend the sale On the day and at the time fixed for the sale or on any day and time to which said sale may be adjourned the sheriff deputy sheriff constable or deputy constable shall publicly sell the personal property so distrained for the best price that can be obtained for the same

The proceeds of the sale shall be paid out in the following order First for the payment of any wages due by the tenant which by law are given preference and notice of the claim for which has been given as provided by law to the officer executing the landlords warrant second for the payment of the charges and costs for making the distress appraisement and sale third for the satisfaction of the rent for which the personal property was distrained fourth any overplus for the use of the owner

Section 310 RIGHTS OF PURCHASERS OF GROWING AGRICULTURAL CROPS The purchaser of any growing agricultural crops at a sale on distress for rent shall at all times have free ingress and egress to and from the premises where the same may be growing and the right to repair fences He shall have the right to dig cut gather lay up and thresh the same in the same manner as the tenant might legally have done and thereafter to carry the same away from the premises

Section 311 DAMAGES FOR REMOVAL OF PROPERTY DISTRAINED ON Any landlord having distrained upon personal property for rent due who is aggrieved by the unlawful removal thereof shall in an action of trespass recover double damages together with the costs of suit against the offender or against the owner if it be afterwards found that the personal property has come into his use or possession

Section 312 REMEDY IN CASES OF IMPROPER DISTRESS The landlord and his agent shall be liable to the tenant or the owner of the personal property distrained on in an action of trespass (1) If the distress is for more rent than is due (2) or if the amount of personal property distrained is unreasonably great (3) or if made after a proper tender of the rent due was rejected (4) or if the distress is conducted irregularly or oppressively (5) or if any personal property taken in distress was to the knowledge of the landlord or his agent not distrainable (6) or if the distress is made at an improper time (7) or if the landlord or his agent receives notice after the distress from the owner or his agent or from the tenant having possession of the property that the personal property distrained on was not subject to distress and nevertheless proceeds with the sale without affording the owner a five day period after such notice to replevy such personal property

Section 313 REMEDY WHERE DISTRESS MADE AND NO RENT DUE In case any distress and sale of personal property shall be made for rent when no rent is due to the person distraining or to the person in whose name the distress has been taken then the owner of the personal property shall by action of trespass brought against the person distraining recover double the value of the personal property so distrained and sold together with the costs of suit

ARTICLE IV

EXEMPTIONS FROM DISTRESS AND SALE

Section 401 TENANT'S EXEMPTION APPRAISEMENT Unless the right of exemption has been waived by the tenant in writing personal property to the value of three hundred dollars ($300) in addition to any other personal property specifically exempted by this article shall be exempt from levy and sale by distress for rent

The officer charged with the execution of any landlord's warrant shall if requested by the tenant summon two disinterested and competent persons who shall be sworn or affirmed by such officer to appraise personal property including bank notes money stocks judgments or other indebtedness due the tenant to the value of three hundred dollars ($300) which the tenant may elect to retain and the property so elected and appraised shall be exempt from levy and sale in such distress proceedings

Each appraiser shall be entitled to receive one dollar ($1.00) for his services

Section 402 WEARING APPAREL BIBLES SCHOOL BOOKS SEWING MACHINES AND MILITARY ACCOUTREMENTS TO BE EXEMPT All wearing apparel of the tenant and his family all Bibles and school books in use in the tenant's family all sewing machines belonging to seamstresses or used and owned by private families and all uniforms arms ammunition and accoutrements of any commissioned officer or enlisted man of the National Guard or of the armed forces of the United States shall be exempt from levy and sale on any landlord's warrant Nothing contained in this section shall be construed to exempt sewing machines kept for sale or hire

Section 403 EXEMPTION OF PROPERTY ON PREMISES UNDER LEASE OR CONDITIONAL SALE CONTRACT The following personal property loaned to or leased or hired by any person or conditionally sold to any such person under a contract of sale reversing title in the vendor until paid for shall be exempt from levy and sale on distress for rent so long as the title thereto remains in the owner lessor or conditional vendor if written notice specifically describing the personal property leased hired or conditionally sold shall be given to the landlord or his agent at the time the said personal property is placed upon the demised premises or within ten days thereafter which notice shall contain a statement of the respective amounts due on each article named in the notice and when so given shall be effective as to such landlord and any future owner or owners of said premises that is to say

(a) All pianos melodeons and organs

(b) All soda water apparatus and the appurtenances thereto

(c) All sewing machines and typewriting machines

(d) All electric motors electric fans and dynamos

(e) All ice cream cabinets and ice cream containers and the appurtenances thereto

(f) All household furniture and household goods

(g) All patented shoe repairing machinery and tools

In the case of personal property enumerated in clauses (b) and (e) of this section notice may be given in the manner above provided or in lieu thereof the name and address of the owner lessor or conditional vendor may be marked on or attached to said property in a conspicuous part thereof

Upon request at any reasonable time the owner lessor or conditional vendor of any personal property enumerated in this section shall advise the landlord or his agent as to the status of his account with the tenant

Any landlord may levy upon and sell on distress for rent any right or interest of the tenant in any personal property mentioned in this section subject to the rights therein of the owner lessor or conditional vendor

Section 404 EXEMPTION OF OTHER PROPERTY LOCATED ON PREMISES The following personal property located on premises occupied by a tenant shall be exempt from levy and sale on distress for rent that is personal property

(a) Necessarily put in possession of the tenant in the course of his business by those with whom the tenant deals or by those who employ the tenant

(b) Actually held by the tenant for someone else in the course of trade as agent or as consignee

(c) Sold for a valuable consideration by the tenant before distress to any bona fide purchaser not privy to any fraud

(d) Of any guest at an inn or hotel or of a boarder at a boarding house where such property is in the exclusive use of such boarder

(e) Of a decedent

(f) Of the United States and its governmental agencies or of the Commonwealth of Pennsylvania or of any political subdivision thereof

(g) Of any public service company essential to the performance of its public functions or

(h) Cattle or stock taken by the tenant to be fed or cared for on the leased premises for a consideration to be paid by the owner

ARTICLE V

RECOVERY OF POSSESSION

Section 501 NOTICE TO QUIT A landlord desirous of repossessing real property from a tenant may notify in writing the tenant to remove from the same at the expiration of the time specified in the notice under the following circumstances namely (1) Upon the termination of a term of the tenant (2) or upon forfeiture of the lease for breach of its conditions (3) or upon the failure of the tenant upon demand to satisfy any rent reserved and due where there is not personal property on the premises adequate to satisfy the rent in arrears except such property as is by this act exempt from levy and sale on distress for rent

In case of the expiration of a term or of a forfeiture for breach of the conditions of the lease where the lease is for any term of less than one year or for an indeterminate time the notice shall specify that the tenant shall remove within thirty days from the date of service thereof and when the lease is for one year or more then within three months from the date of service thereof In case of failure of the tenant upon demand to satisfy any rent reserved and due the notice if given on or after April first and before September first shall specify that the tenant shall remove within fifteen days from the date of the service thereof and if given on or after September first and before April first then within thirty days from the date of the service thereof

The notice above provided for may be for a lesser time or may be waived by the tenant if the lease so provides

The notice provided for in this section may be served personally on the tenant or by leaving the same at the principal building upon the premises or by posting the same conspicuously on the leased premises

Section 502 COMPLAINT If the tenant shall fail to remove from the real property in compliance with such notice the landlord or his agent may complain in writing under oath or affirmation to any magistrate of the city borough town or county in which the real property is situated

The landlord's complaint shall set forth with particulars dates and amounts (1) that he was quitely and peaceably possessed of the real property from which the tenant was notified to remove (2) that he demised the same for a specified or indeterminate term to the tenant or to some other person under whom the tenant claims (3) that due notice to remove has been given to the tenant or that no notice was required under the terms of the lease (4) that the term for which the same was demised is fully ended or that a forfeiture has resulted by reason of a breach of the conditions of the lease or that any rent reserved and due has upon demand remained unsatisfied as the case may be (5) that the tenant retains the real property and refuses to give up possession of the same and (6) the amount of rent if any which remains due and unpaid and the amount of damages claimed for unjust detention of the real property if any

Section 530 SUMMONS AND SERVICE Upon the filing of the complaint the magistrate shall issue his summons reciting substantially the complaint and directed to any constable or the sheriff of the county commanding him to summon the tenant to appear before such magistrate to answer said complaint on a day not less than five nor more than eight days from the date of the summons and at a time fixed therein

Such summons may be served personally on the tenant or by leaving the same at the principal building upon the premises or by posting the same conspicuously on the leased premises

Section 504 HEARING JUDGMENT WRIT OF POSSESSION PAYMENT OF RENT BY TENANT On the day and at the time appointed or on any day to which the case may be adjourned the magistrate shall proceed to hear the case If it shall appear that the complaint has been sufficiently proven the magistrate shall enter judgment against the tenant that the real property be delivered up to the landlord and for damages if any for the unjust detention of the demised premises as well as for the amount of rent if any which remains due and unsaid and for costs of the proceeding

At the request of the landlord he shall after the fifth day after the rendition of such a judgment issue a writ of possession directed to the constable or sheriff commanding him forthwith to deliver actual possession of the real property to the landlord and also to levy the costs and amount of judgment for damages and rent if any on the tenant in the same manner as judgments and costs are levied and collected on writs of execution

If however it shall appear that the said complaint is vexations and unfounded then the magistrate shall dismiss the case and assess the costs against the landlord

At any time before any writ of possession is actually executed the tenant may in any case for the recovery of possession solely because of failure to pay rent supersede and render the writ of no effect by paying to the constable or sheriff the rent actually in arrear and the costs

Section 505 RETURN OF CONSTABLE OR SHERIFF The constable or sheriff shall make return of said writ of possession to the magistrate within ten days after receiving the same He shall be answerable in default of executing said writ according to its terms and for failure to pay over the amount received by him in satisfaction of the judgment or the rent and costs paid to him by the tenant in the same manner as such officers are now by law answerable on other writs of execution

Section 506 APPEAL CERTIORARI Within five days after the rendition of judgment either party may appeal to the next court of common pleas upon filing in that court a bond with one or more sufficient sureties conditioned for the payment of all costs and rent that have accrued or may accrue up to the time of final judgment and for damages assessed if any in case the judgment shall be affirmed Any such appeal shall be tried in the same manner as other suits are tried Such appeal shall not be a supersedeas to the writ of possession in any case except upon special allowance of the court to which the appeal is taken

If upon the appeal the jury shall find in favor of the tenant they shall also assess any damages which he may have sustained by reason of his removal from the premises and judgment shall be entered for such damages and costs and that the tenant shall retain or recover possession of the demised real estate as the case may be The tenant shall have the necessary writ or writs of execution to enforce said judgment

A writ of certiorari to remove the proceedings before the magistrate may be had as in other cases

Section 507 PROCEEDING WHERE TITLE TO REAL PROPERTY IS IN DISPUTE If in any such proceeding by a landlord to repossess real property the tenant shall declare in writing on oath of affirmation that the title to the real property is disputed and claimed by some other person named by the tenant by virtue of a right or title accruing since the commencement of the lease by descent from or deed or will of the landlord and if the person so named and claiming does not forthwith appear voluntarily then the magistrate shall immediately issue a summons returnable in six days commanding such person to appear before him

If the person so summoned shall declare in writing on oath or affirmation that he verily believes that he is entitled to the real property in dispute and shall give bond as hereinafter provided then the magistrate upon notice of the filing of such bond shall not enter judgment

Any such bond shall be filed in the court of common pleas of the county shall be in such sum as the court shall fix shall have thereon one or more sufficient sureties and shall be conditioned that the person claiming title to such real property shall prosecute his claim by ejectment at the next term of the court of common pleas If said claim is not so prosecuted the bond shall be forfeited to the landlord and the magistrate shall proceed to give judgment and cause the judgment to be executed as hereinbefore provided

Section 508 PROCEEDINGS WHERE TENANT CLAIMS TITLE AS JOINT TENANT OR TENANT IN COMMON If in any such proceeding by a landlord to repossess real property the tenant or person in possession shall declare in writing on oath or affirmation that the real property in dispute is held and claimed by him as joint tenant or tenant in common with the landlord and that he verily believes that the real property so held does not exceed in quantity or value the just proportion of the tenant's share as joint tenant or tenant in common and shall file a bond in the court of common pleas with one or more sufficient sureties in such sum as the court shall fix conditioned to prosecute his claim by ejectment at the next term of court of common pleas then the magistrate upon notice of the filing of such bond shall be forfeited to the landlord and the magistrate shall proceed to give judgment and cause the judgment to be executed as hereinbefore provided

Section 509 RETURN WHERE TENANT RETAINS FORCIBLE POSSESSION NOTICE TO TENANT THAT ALIAS WRIT WILL BE ISSUED REQUIRING USE OF FORCE AND SERVICE THEREOF In any case brought by a landlord before a magistrate for the recovery of the possession of real property if there is no supersedeas to the writ of possession and the tenant forcibly detains the real property against the officer serving the writ of possession the constable or sheriff shall make return of the writ as follows "Unserved because the tenant forcibly detains possession of the real property"

Whereupon after the expiration of ten days from the rendition of judgment by the magistrate as in this article provided and the issuing of the writ of possession to the officer such officer shall notify in writing the tenant that an alias writ of possession will be issued setting forth his duty to use such force as may be necessary by the breaking in of any door or otherwise to enter upon the real property for the purpose of executing a writ of possession in accordance with the judgment obtained

Any such notice may be served personally on the tenant or by leaving the same at the principal building upon the premises or by posting the same conspicuously on the leased premises

Section 510 ALIAS WRIT OF POSSESSION FORCIBLE EJECTION OF TENANT If the tenant fails to deliver up possession of the real property within ten days after the service of the notice as provided in the last preceding section the magistrate shall issue an alias writ of possession and the officer shall thereupon use such force as may be necessary by the breaking in of any door or otherwise to enter upon the real property and to eject the tenant and shall deliver possession of the real property to the landlord or his agent

Section 511 REMEDY TO RECOVER POSSESSION BY EJECTMENT PRESERVED Nothing contained in this article shall be construed as abolishing the right of any landlord to recover possession of any real property from a tenant by action of ejectment or from instituting any amicable action of ejectment to recover possession of any real property by confessing judgment in accordance with the terms of any written contract or agreement

ARTICLE VI

REPEALS

Section 601 The following acts and parts of acts are hereby repealed as respectively indicated

Sections one two three four five six seven ten eleven twelve thirteen and fourteen of the act approved the twenty-first day of March one thousand seven hundred and seventy-two (one Smith Laws three hundred seventy) entitled "An act for the sale of goods distrained for rent and to secure such goods to the persons distraining the same for the better security of Rents and for other purposes therein mentioned" absolutely

Section one of the act approved the twenty-first day of March one thousand seven hundred and seventy-two (one Smith Laws three hundred eighty-nine) entitled "An act for prevention of frauds and perjuries" in so far as it applies to leases

Section twenty of the act approved the twentieth day of March one thousand eight hundred and ten (Pamphlet Laws two hundred eight) entitled "An act to amend and consolidate with its Supplements the Act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace and for the election of Constables and for other purposes'" absolutely

The act approved the twenty-second day of March one thousand eight hundred and fourteen (P. L. 179) entitled "A supplement to an act entitled 'An act for the sale of goods distrained for rent and to secure such goods to the person distraining the same for the better security of rents and for other purposes therein mentioned'" absolutely

Sections one and two of the act approved the third day of April one thousand eight hundred and thirty (P. L. 187) entitled "An act relative to landlords and tenants" absolutely

Sections one thousand nineteen and one hundred twenty of the act approved the sixteenth day of June one thousand eight hundred and thirty-six (P. L. 755) entitled "An act relating to executions" absolutely

Section six of the act approved the ninth day of April one thousand eight hundred and forty-nine (P. L. 524) entitled "A supplement to an act relative to the venders of mineral waters and an act relative to the Washington coal company to sheriffs' sales of real estate to the substitution of executors and trustees when plaintiffs to partition in the courts of common pleas and for other purposes" absolutely

Sections one and two of the act approved the ninth day of April one thousand eight hundred and forty-nine (P. L. 533) entitled "An act to exempt property to the value of three hundred dollars from levy and sale on execution and distress for rent" in so far as it applies to distress for rent

Section eight of the act approved the twenty-seventh day of April one thousand eight hundred and fifty-five (P. L. 368) entitled "An act to amend certain defects of the law for the more just and safe transmission and secure enjoyment of real and personal estate" absolutely

The act approved the eighth day of April one thousand eight hundred and fifty-seven (P. L. 170) entitled "A supplement to the act to exempt property to the value of three hundred dollars from levy and sale on executions and distress for rent approved the ninth day of April one thousand eight hundred and forty-nine" in so far as it applies to distress for rent

The act approved the eighth day of April one thousand eight hundred and fifty-nine (P. L. 425) entitled "An act relative to the Exemption of Three Hundred Dollars and to the Widows and Children of decedents" in so far as it applies to distress for rent

The act approved the twenty-second day of March one thousand eight hundred and sixty-one (P. L. 181) entitled "A supplement to an act passed the third day of April Anno Domini one thousand eight hundred and thirty relating to Landlords and Tenants" absolutely

The act approved the fourteenth day of December one thousand eight hundred and sixty-three (one thousand eight hundred sixty-four) (P. L. 1125) entitled "An act relative to landlords and tenants" absolutely

The act approved the eleventh day of April one thousand eight hundred and sixty-six (P. L. 97) entitled "Supplement to an act relating to landlords and tenants" absolutely

The act approved the twentieth day of February one thousand eight hundred and sixty-seven (P. L. 30) entitled "A supplement to an act relative to landlords and tenants approved December fourteen one thousand eight hundred and sixty-three extending the provisions thereof to cases of descent and purchase" absolutely

The act approved the third day of April one thousand eight hundred and sixty-eight (P. L. 57) entitled "An act relative to mortgages of leashold estates" absolutely

The act approved the seventeenth day of April one thousand eight hundred and sixty-nine (P. L. 69) entitled "An act to exempt sewing machines belonging to seamstresses in this Commonwealth from levy and sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the fourth day of March one thousand eight hundred and seventy (P. L. 35) entitled "A supplement to an act entitled 'An act to exempt sewing machines belonging to seamstresses in this Commonwealth from levy and sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the sixth day of March one thousand eight hundred and seventy-two (P. L. 22) entitled "An act in relation to landlord and tenant proceedings under the act of December fourteenth one thousand eight hundred and sixty-three' absolutely

The act approved the thirteenth day of May one thousand eight hundred and seventy-six (P. L. 160) entitled "A supplement to an act to amend certain defects of law for the more just and safe transmission and secure enjoyment of real and personal estate approved the twenty-seventh day of April Anno Domini one thousand eight hundred and fifty-five declaring how mortgages and leases provided for in the eighth section of said act shall be recorded" absolutely

The act approved the thirteenth day of May one thousand eight hundred and seventy-six (Pamphlet Laws one hundred seventy-one) entitled "An act to exempt pianos melodeons and organs leased or hired from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred eighty-two) entitled "An act to exempt sewing machines and type writing machines leased or hired from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act supplementary to an act entitled 'An act to exempt pianos melodeons and organs leased or hired from levy or sale on execution or distress for rent'" approved the thirteenth day of May Anno Domini one thousand eight hundred and seventy-six" in so far as it applies to distress for rent

The act approved the thirty-first day of March one thousand nine hundred and five (Pamphlet Laws eighty-seven) entitled "An act to provide for notice in the recovery of possession of premises by a landlord in all cases where the tenant holds for a term less than one year either by license or lease for an indterminate time" absolutely

The act approved the tenth day of April one thousand nine hundred and five (Pamphlet Laws one hundred thirty-five) entitled "An act for the better enforcement of the service of writs of possession in landlord and tenant cases where the premises are forcibly detained by the occupant" absolutely

The act approved the twenty-seventh day of April one thousand nine hundred and nine (Pamphlet Laws one hundred ninety-seven) entitled "A supplement to an act entitled 'An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same' approved May second one thousand eight hundred and eighty-nine (Pamphlet Laws sixty-six) providing for the collection of rent by escheators in all cases where lands or tenements have escheated or may hereafter escheat to the Commonwealth" absolutely

This act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seven) entitled "An act to exempt electric motors electric fans or dynamos leased or hired from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws four hundred twenty-three) entitled "An act exempting soda-water apparatus and appurtenances thereto leased hired or conditionally sold from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the twentieth day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred thirty-eight) entitled "An act relating to the service of notices and summons in landlord and tenant cases" absolutely

The act approved the twenty-second day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred fifty-one) entitled "An act exempting ice cream cabinets ice cream containers and the apputenances thereto leased loaned hired or conditionally sold from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

The act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventeen) entitled "An act exempting household furniture and household goods leased hired or conditionally sold from levy and sale on execution or distress for rent under certain conditions" in so far as it applies to distress for rent

The act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nineteen) entitled "An act exempting shoe repairing machinery and tools and the appurtenances thereto leased loaned hired or conditionally sold from levy or sale on execution or distress for rent" in so far as it applies to distress for rent

Section 602 All other acts and parts of acts general local and special inconsistent with or supplied by this act are hereby repealed It is intended that this act shall furnish a complete and exclusive system in itself

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 339.

An Act to repeal the act approved the eighteenth day of April one thousand nine hundred twenty-nine (P. L. 546) entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations companies associations and individuals prescribing the powers of such police authorizing the Governor to investigate their work and require periodical reports from them imposing duties upon the Secretary of the Commonwealth and recorders of deeds and imposing penalties."

HOUSE BILL No. 252.

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" abolishing the county poll tax in counties of the second and third class and eliminating provisions for the assessment and consolidation of poll taxes for voting purposes.

HOUSE BILL No. 183.

A Joint Resolution proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania.

HOUSE BILL No. 1035.

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-1934) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation.

HOUSE BILL No. 2393.

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations.

HOUSE BILL No. 2547.

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-1934) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

HOUSE BILL No. 1692.

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made.

HOUSE BILL No. 2064.

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation.

HOUSE BILL No. 2066.

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (P. L. 366) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain other laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force.

HOUSE BILL No. 2293.

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

HOUSE BILL No. 2210.

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith.

HOUSE BILL No. 2653.

An Act granting permission to the Borough of Camp Hill Pennsylvania the Borough of Lemoyne Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice.

HOUSE BILL No. 1914.

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining

the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

HOUSE BILL No. 1973.

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

HOUSE BILL No. 812.

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

HOUSE BILL No. 2325.

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

HOUSE BILL No. 1621.

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (Pamphlet Laws sixty-six) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

HOUSE BILL No. 1821.

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providin a penalty

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SPECIAL ORDER ON HOUSE BILL NO. 237

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 237; bill on third reading and final passage.

Agrreably to order,

The House proceeded to the third reading and consideration of House Bill No. 237, entitled:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you is House Bill 237, Printer's No. 1082. It has been generally broadcast that the bill is a repeal of the gambling and lottery law of the Commonwealth. That is absolutely untrue. The bill which you have before you is a dispensation, temporary in character, from the existing laws on gambling and lotteries. The bill you have before you can be compared to the efforts made by some churches to have festivals and different kinds of games to raise money to pay the Pastor's salary or to repair the roof. The bill before you is a bill to relieve the over-burdened taxpayer in like manner as the churches relieve the over-burdened members of their congregations from paying very large and heavy dues.

Now, the bill has one thought back of it and that is to raise money to establish, not only establish, but to raise money to carry on the system that we have established relating to old age assistance.

I think you received the other day a copy of a report that indicated that some were receiving old age assistance, and others, equally qualified were not receiving it. The reason why discrimination exists is the lack of funds in the Commonwealth's Treasury. This bill is a dispensation from the gambling laws, to enable the Commonwealth to raise money to give every one entitled to old age assistance the same care that the lucky ones are getting.

Members of the House you have heard much of the numbers game. You have heard much of the Irish Sweepstakes, you have heard of numerous other lotteries. With reference to the numbers game let me say to you that as fast as number writers go to jail, another crop starts to sprout, and the taxpayers have the terrific expense of trying to enforce a non-enforceable law. They are feeding in jail many thousands of prisoners, whose only sin is a violation of man's law and not a law of nature. As long as people want to gamble they will do so in spite of all the laws. The demand to gamble exists and as long as that demand exists some one will come forth to supply it. Most of the laws against gambling originated because gamblers were cheats and failed to pay the prizes that were won. Today gambling is car-

ried on clandestinely and many gamblers never intend to make good their losses. Their failure to be honest causes disturbances, bombing and murders. Shall the State have the profit of gambling for beneficial and humane purposes, or shall others take it for themselves? How many thousands and thousands of dollars go to Ireland and other countries? Ireland has built up the finest hospital system in the world on American money. Thousands of fraudulent and forged tickets have been sold in America. It is estimated that over $150,000,000 went to Ireland in the last two years and only a quarter of a million dollars ever came back to America. As long as the people get a thrill out of gambling they will gamble. It is hard to say in the business world where gambling begins and where gambling ends. How many transactions on the stock exchange are pure gambling? To suppress the phoney, dishonest and cheating practice of gambling would take thousands of police officers and hundreds of detectives to watch the police officers. Who shall pay the expense of this? In the end will the morals of the people be better? The more oppressive the government, the lower its moral standard always. The months and months of attempted enforcement has caused untold misery and suffering. Little penny gamblers are in jail while wives and children suffer, and while the taxpayers feed them and keep them in idleness. Their punishment is nothing because many of them have a better home in jail than they would have outside. Where the prizes are small and where they are spread over a great number no one is made unduly rich and no one is made poor. The argument of many that oppose the regulation of gambling and insist upon prohibition is only a quarrel with God and God's creation. If God had created man without the thrill or desire to gamble there would be no gambling. The opponents of gambling want to put themselves in the position of God and make man over again. No man was ever so great in intellect or power as to be able to improve on God's creation. Man as God made him must be regulated and guided. All efforts by man to say to man "thou shalt not" have met with failure.

The bill before you is purely temporary in character.

Mr. Speaker and members of the House, I ask you to vote for this bill with all sincerity. It breaks down none of the laws of this Commonwealth. It is merely a temporary expedient to raise money to pay old age assistance, so that the promise made by this Legislature to the aged shall not go unfulfilled.

Mr. EBERHARTER. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Sowers?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Sowers, permit himself to be interrogated?

Mr. SOWERS. I will, Mr. Speaker.

Mr. EBERHARTER. Mr. Speaker, will the gentleman from Philadelphia, Mr. Sowers, inform the House as to whether or not this bill contains a provision for a referendum by the people of the State as to whether or not they want this lottery?

Mr. SOWERS. Mr. Speaker, the bill does not contain a referendum. The people of Pennsylvania have elected us to represent them, and if we have not the courage to do so then we should quit our jobs. Those people who do not desire to participate in this effort to aid old age assistance may remain out.

Mr. SHEPARD. Mr. Speaker and members of the House, I rise to oppose this bill because I am opposed to any bill to put the State in the gambling business. This bill is designed, of course, to meet some very worthy ends, but it seems to me it is merely an attempt to escape what must be done finally and that is to devise an intelligent tax program to take care of these worthy needs. We all realize that the aged, the old people must be taken care of, and all these other worthy ends, but it must not be taken care of by the people who are least able to pay. We all know that in this lottery enterprise the tickets are going to be purchased for the most part by the poor people of the Commonwealth. The rich people perhaps know better than to bother with lotteries, because they know they cannot win. It seems to me that there will be a special burden upon the poor people who can ill afford it. It will be another burden of taxation upon the people who are least able to pay it, and least able to afford it. I feel that we ought to vote down this bill.

If we are going to take care of these old age pensions and so forth, we must do it by devising an intelligent plan for taxation upon the people who are best able to bear it and not put an additional burden upon the poor.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Shepard, permit himself to be interrogated?

Mr. SHEPARD. I will, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Shepard, one of the honorable ministers of this body, when he underwent such a change of heart to say now that he is opposed to this bill?

Mr. SHEPARD. Mr. Speaker, I have never had an opportunity to express myself on this bill before.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to ask the gentleman, whether by expressing himself he means expressing himself on the floor or an expression otherwise to the people?

Mr. SHEPARD. Mr. Speaker, I don't know what the gentleman means by "expression otherwise".

POINT OF ORDER

Mr. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. COHEN. Mr. Speaker, the question of the gentleman from Allegheny, Mr. Brown, is out of order, as it was a confidential communication transmitted between members on a discussion on the bill.

The SPEAKER. The point of order is well taken.

Mr. HOMER S. BROWN. Mr. Speaker, I withdraw my interrogation.

Mr. HOLLAND. Mr. Speaker and members of the House, I rise to support this bill because we all know today in the larger cities practically everybody is writing numbers. In fact, in the district I represent you cannot go down the street without being stopped by number writers wanting to inform you that they have a hot tip today. This money is going to the racketeer when it should be going to the State. It is estimated that in the city of Pittsburgh alone over one hundred thousand dollars is written in numbers each day. In fact, in the Pittsburgh paper only yesterday it stated that the number writers were hit for sixty thousand dollars caused by everyone playing a hot tip.

When the gentleman from Philadelphia states that the poor man was the one who was going to buy the numbers, I say that that man is buying today, he is going to continue to buy. Why not let the State get this money to pay the poor, the aged, who are waiting for our vote?

I ask the Democratic members of the House to support this bill, as an emergency measure at this time.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, this bill, as I understand it, is an effort to legalize gambling. We will admit the evil results of gambling or the evils of the number racket. In order to put this bill across, the profits are supposed to go for old age pension, mothers' assistance, and welfare work. We have plenty of money in Pennsylvania. We have plenty of tax bills lying in committee to raise the revenue. To legalize gambling is an attempt to make gambling respectable.

I have noticed among the working men that when they get to gambling, they don't seem to have any money for their families. At the present time it is true that there is quite a lot of relief money, I believe, going to the numbers racket. But this will not help the matter, to pass this bill. We are doing too much to try and enact this liberal legislation. I ask you to vote against it.

Mr. ALEXANDER. Mr. Speaker and members of the House, I rise to oppose this bill because it is right in line with my voting consistently "no" on all of these measures. I was just wondering how many of the older people who would receive these pensions having gone through seventy years of life in this State,—how they would accept that money, having lived here in this State all those years and lived as they felt any honorable citizen should live. Do you think they will be pleased and very much gratified in receiving money that will be raised by a lottery? I certainly feel that it is the duty of this House not, at this time, to legalize gambling, no matter where the funds shall go, and I ask the members of the House to vote "no" on the bill.

Mr. REYNOLDS. Mr. Speaker and members of the House, I believe that Mr. Sowers has brought out one of the finest bills that has been presented in this House this session. He has certainly given us an opportunity to give the people through their own free will an opportunity to pay for the unemployed and old age pensions. I have not heard any of the old people refuse to take money derived from whiskey interests. They accept it. My good friend, Mr. Alexander, was in error when he said they would not take it because it comes from a lottery. I do not think that they will care where it comes from as long as they have money for food and clothing. Many of the churches in Philadelphia for some time have conducted little lotteries among themselves. They have books and chances. They do not do it to pay for the old age pensions, but they do it pay the salary of the pastor. I think it would be very much more in the keeping with the times now to feed these old people through the legalized lottery.

In Philadelphia, the district from which I come, there are about four thousand arrests a year of people playing an illegal lottery. I feel that if we would take it out of the hands of the racketeer and have it supervised, we would not catch these innocent victims.

I noticed in the paper this morning where it said: "Three thousand innocent people sent six thousand dollars by a chain wire." Why not have something to give to these people under the supervision of the state? When they wouldn't be pretending to get something for nothing, when it cannot be done. I believe that it is a fine bill, and as Mr. Sowers said, those who do not wish to participate in it do not need to. We tax the people to death. Then we are forcing our taxes upon the people to pay and no one wants to pay the taxes. I think we should legalize the lottery business and let the state of Pennsylvania which has gone into the whiskey business go into the lottery business also.

Mr. SURFACE. Mr. Speaker and members of the House, I feel that in this Legislature we are going not only from bad to worse, but also from worse to worse. It is greatly to be regretted that we even had to think of such a thing. I wish to express my serious disapproval of such legislation, as that which is pending in this session of the Legislature. For example, I wonder how many realize that we just this morning voted for the passage of a bill that permits the selling of liquor at all times of the day and night, Sundays, week days and election days also. My one satisfaction is that I have just learned that there is no possibility of its passage in the Senate. The same is true of the lottery bill. What kind of an example is this to set before the youth of our country, that it is a proper thing to try to get something for nothing?

As a ruse to pass the state saloon bill, it provided that the earnings therefrom would go to old age, the blind and the orphans of the state. We suppose that this money derived by the state after entering the lottery business will go to take care of the aged. It is not fair to the aged persons, that these monies that go to them shall be obtained in a questionable way. I feel that the money to the aged, and the blind and the orphans of the state should come directly from the state treasury, from whereever derived, so that the aged will not feel that they are dependent upon a lottery scheme or a saloon for their maintenance.

I am making my address short because I am satisfied that this bill will never pass the Senate and will never get past the hands of the Governor.

Mr. SHEPARD. Mr. Speaker and members of the House, in reply to the gentleman who said that many of the churches use the lottery system to pay the pastor's salary, I may state that if that is true, it is an additional reason why I am opposed to this bill, because the pastor's salaries have been so far in arrears it shows that if they use this method it is a very bad method because we haven't seen a pay for some time.

Mr. SOWERS. Mr. Speaker and members of the House, I came here without any lottery tickets, but in less than a few minutes more than three tickets have been handed to me. Some of them cost two dollars and fifty cents and others less. Now, this is what is going on. This is what is happening. Shall it continue or shall it be regulated?

Bear in mind the argument of my friend from Western Pennsylvania and the argument of my friend,—pardon me, here is another one,—I believe I will have a chance on every lottery in the world in a moment or so.

Members of the House, in reply to the arguments that have been made to you by the gentleman from Western Pennsylvania and the gentleman from Central Pennsylvania and the gentleman from Philadelphia, Mr. Shepard, permit me to say this: the bill before you does not legalize gambling; the bill before you does not repeal the lottery laws of Pennsylvania; the bill before you is merely

a dispensation for a certain purpose for a certain length of time, and for the good object back of it. The bill before you will put to work over thirty thousand men in Pennsylvania legally instead of now having them work illegally in selling a lot of this trash, counterfeit and otherwise. I ask you, men, to give this bill a chance, give the aged the benefits of it; it will harm no one; it will do good; it won't make the poor poorer because, God knows, they are poor enough now and cannot be made poorer. It may take some money from the rich that want to take a chance and in doing so the rich will help a holy cause. Taxation neither makes a State richer or poorer. It merely changes the money from one person to another. The Commonwealth of Pennsylvania cannot be made richer or poorer by this bill, but it can be made and is being made poorer by this kind of chance that takes the money out of Pennsylvania for foreign countries and never brings it back. This keeps it in the State, stimulates trade and will aid industry.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—88

Andrews,	Cordier,	Holstrom,	Root,
Aukerman,	Davies	Jackson,	Ruffennach,
Baine,	Denning,	Kelder,	Ruth,
Baker, J J.,	Dent,	Kilroy,	Sarraf,
Baldi,	Downey, G. E.,	Kobelak,	Scanlon,
Barber,	Downey, J. J.,	Long,	Schrope,
Barnhardt,	Falkenstein,	Lovett,	Schwartz,
Bernhard,	Ferko,	McDermott,	Sowers,
Blumberg,	Fitch,	McElroy,	Stank,
Boyd, R.,	Flanagan,	Melchiorre,	Stevens,
Bradley,	Forrest,	Mentzer,	Tahl,
Brancato,	Gerard,	Mooney,	Tronzo,
Brown, H. S.,	Green,	Moore,	Tumelty,
Burke,	Greenstein,	Moran,	Van Sickle,
Cannon,	Hagerty,	Munley,	Walker,
Castor,	Haluska,	O'Neill,	Weiss,
Chervenak,	Hamilton, R. S.,	Pfaff,	Westrick,
Coakley,	Harmuth,	Piole,	Winner,
Coleman,	Hart,	Powers,	Witkin,
Condon,	Hefferon,	Reynolds,	Yourishin,
Conner,	Hirsch,	Rinn,	Zappala,
Coolahan,	Holland,	Roan,	Sarig,

NAYS—98

Achterman,	Hamilton, F. P.,	Nagel,	Smith, J. A.,
Alexander,	Harkins,	Nothnagle,	Snyder, F. E.,
Arnold,	Hermansen,	O'Keefe,	Snyder, J. L.,
Atkins,	Hetrick,	Ominsky,	Spangler,
Boose,	Hindman,	Panton,	Sproul,
Boyer,	Hoffner,	Parks,	Stewart,
Brennan,	Hoopes,	Patterson, C.,	Stockham,
Brown, J. E.,	Horst,	Patterson, J. W.,	Stone,
Brownfield,	Jones,	Pearson,	Stott,
Brumbaugh,	Kane,	Perry,	Sumney,
Carr,	Kelso,	Peters,	Surface,
Carson,	Kinney,	Phillips,	Terry,
Cochran,	Klingler,	Reising,	Trout,
Cohen,	LaRue,	Rhys,	Turner,
Decker,	Linderman,	Robinson,	Van Allsburg,
Dilley,	Longaker,	Schrock,	Wall,
Duffort,	Lynch,	Schwab,	Weidemann,
Eberharter,	Male,	Shaw,	Welliver,
Eroe,	McCreary,	Shepard,	Welsh,
Finnerty,	McDevitt	Siegel,	White,
Flinchbaugh,	McKinney,	Simon,	Wickersham,
Gates,	Merrell,	Simpson,	Wood,
Gillette,	Moomaw,	Sinwell,	Woodside,
Habbyshaw,	Moul,	Sloan,	Zimmerman,
Haberlen,	Muir,		

Less than a majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASONS FOR VOTE

The following reasons for vote on House Bill No. 237 were filed:

Miss BRANCATO. I voted for this bill because it will provide more money for old age assistance.

Mr. CARSON. I wish to file my reason for voting "no" on Bill No. 237, Printer's No. 1082:

I am in favor of a pension for old age but I do not believe in putting the state of Pennsylvania in the lottery business.

Mr. OMINSKY. Since this bill does not contain a provision for a referendum, which would give the people of this Commonwealth an opportunity to vote upon this question, I am compelled to vote against this measure.

The citizens of this State should say whether or not they wish to make such a radical change in our laws.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laiid upon the table.

RESOLUTION NO. 168

Miss BRANCATO asked and obtained unanimous consent to call up and for its immediate consideration Resolution No. 168, Printer's No. 1457.

The resolution was read by the Clerk as follows:

In the House of Representatives June 10 1935

Resolved That House Resolution Number one hundred thirty-seven Serial Number one hundred eighty-six Printer's Number eight hundred sixty-six which was adopted by the House of Representatives May twenty-two one thousand nine hundred thirty-five be so amended that Resolution Number two read as follows

Resolved That the committee shall make a report to the next House of Representatives [of this] when assembled in regular session [as early as possible] and

On the question,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker and members of the House, I first want to incorporate into the record that the reason I did not object to the immediate consideration of the resolution was because it was so brief that to do so would merely delay it until this evening when we would have a great deal of work to do. However, with respect to the resolution itself, I am not surprised in the least that this resolution comes before the House at this time. On May 22nd I made a number of remarks indicating that I believe indicated that this resolution or investigation was to be an unfair one, it was to be an inquisition, that every attempt was made by the Democratic majority of this House to so regulate the membership of this committee that it would be merely a House investigating committee and not a joint committee as it should be, even though the Board of City Trusts was the creature of the Legislature and not of the House alone. The thing that surprises me in this, that what I said concerning it, to wit, that this investigation was to be an inquisition is borne out by the House History concerning this resolution.

The lady from Philadelphia introduced this resolution on the 22nd of April, 1935. It was reported out of Committee on April 29th. It remained dormant until the 22nd of May, when after opposition it was adopted by

this House. Now, it seems to me, in all fairness to this resolution that is now being offered that something should have been done by this committee from the 22nd of May down until today, June 12th. I am reliably informed that this committee has not even met, that there has been no organization meeting at all. I can readily understand why, because if they had met, if they had conducted their business they would not have had to come in here with a request to continue this investigation. The inactivity of this committee in the past, almost three weeks, seems to me to be an indictment against it, that what was said concerning the investigation was true, to wit, it was a political investigation for the purpose of endeavoring to stir up improper political propaganda. It happens that they now ask to continue it. I say from today on that there is insufficient time. The purpose of asking for a continuance is that they will be able during the next few months when a political battle is being waged to endeavor to rake up something that they won't find and I know they won't find, but endeavor to sling mud in an inquisition of the Democratic controlled committee. It is for that reason that I believe that this resolution ought not to be passed.

I want to say one thing in addition, that the membership of the Board of City Trusts is composed of members of both parties, Republican and Democratic. In my opinion the members of the Board of City Trusts are high type citizens. I do not believe that the investigation is going to show anything improper. If I was a member of the Board of City Trusts, I am frank to say that I would not submit to this investigation, but whether it is continued or not, because a one-house investigating committee has no power, and as far as I am concerned if I had anything to do with the Board of City Trusts I would tell this committee that has been created by this House, where to get off.

I am going to ask the membership of this House to vote down this resolution, because it is inquituous, because it is founded upon bad faith, because the original resolution for an investigation was made in bad faith, and because the manner in which it has been conducted down to the present time is also in bad faith, and I might say, members of the House, it is an insult to the intelligence of this House.

Mr. BURKE. Mr. Speaker and members of the House, I just want to add a few remarks to what the gentleman said. In one sense I wish to concur with him. I think that the members of the Committee and I think the Democrats of Philadelphia will concur with Mr. Witkin in the fact that the members of the Board of City Trusts are composed of high grade and high type men, most of them leaders of civic life of Philadelphia. But the idea of slinging mud, and the fact that this investigation was initiated for political purposes I do not concur in. But I do think that the taxpayers of Philadelphia should be given an opportunity of having the books of the Board of City Trusts audited, even though the members of the Board of City Trusts are high type men. I think we owe this to the taxpayers. Our position is that we are making no charges; we are simply trying to satisfy the taxpayers. If there is anything wrong we will bring it out; if there is nothing wrong we will not try to use it for political purposes. I ask the members of the House to vote "aye" on this Resolution.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. WITKIN and Mr. BLUMBERG.

Mr. BURKE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—85

Achterman,	Finnerty,	McElroy,	Robinson,
Alexander,	Flanagan,	Melchiorre,	Ruffennach,
Andrews,	Haberlen,	Mentzer,	Ruth,
Aukerman,	Haluska,	Mooney,	Sarraf,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Scanlon,
Barber,	Harkins,	Moul,	Schrope,
Brancato,	Hetrick,	Munley,	Schwab,
Brownfield,	Hindman,	Murrin,	Shaw,
Brumbaugh,	Holland,	Nagel,	Shepard,
Burke,	Holstrom,	O'Keefe,	Sinwell,
Cannon,	Kilroy,	Ominsky,	Stevens,
Carson,	Kinney,	O'Neill,	Stone,
Cochran,	Klingler,	Panton,	Sumney,
Cohen,	Kobelak,	Patterson, C.,	Tronzo,
Coleman,	LaRue,	Patterson, J. W.,	Tumelty,
Coolahan,	Long,	Pearson,	Van Sickle,
Decker,	Lovett,	Pfaff,	Walker,
Dent,	Lynch,	Piole,	Weiss,
Downey, G. E.,	Male,	Powers,	Weilliver,
Downey, J. J.,	McCreary,	Reising,	Yourishin,
Eroe,	McDermott,	Rinn,	

NAYS—69

Altenburg,	Habbyshaw,	Muir,	Stott,
Atkins,	Hamilton, R. S.,	Nothnagle,	Surface,
Baldi,	Hart,	Parks,	Tahl,
Barnhardt,	Hefferon,	Peters,	Terry,
Bernhard,	Hermansen,	Phillips,	Trout,
Blumberg,	Hoffner,	Reynolds,	Turner,
Boose,	Horst,	Rhys,	Van Allsburg,
Boyd, R.,	Jackson,	Roan,	Wall,
Boyer,	Jones,	Schrock,	Wasserman,
Brennan,	Kane,	Simpson,	Weidemann,
Caputo,	Kelder,	Sloan,	White,
Conner,	Longaker,	Snyder, F. E.,	Wickersham,
Cordier,	Mallen,	Snyder, J. L.,	Winner,
Davies	McDevitt,	Sowers,	Witkin,
Ferko,	McKinney,	Sproul,	Wood,
Forrest,	Merrell,	Stewart,	Woodside,
Green,	Moore,	Stockham,	Zimmerman,
Greenstein,			

So the question was determined in the affirmative and the resolution was adopted.

BILL ON SECOND READING

Mr. GREENSTEIN. Mr. Speaker, I desire to call up at this time House Bill No. 2217, Printer's No. 1419, on page 10 of today's calendar, bills on second reading. It was not on file was passed over earlier today.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2217, entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

The first section was read as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled

"An act concerning conditional sales and to make uniform the law relating thereto" is hereby amended to read as follows

Section 6 PLACE OF FILING The conditional sale contract or copy shall be filed in the office of the prothonotary in the county in which the goods are first kept for use by the buyer after the sale and shall be a judicial record and shall be subject to the control of the court of common pleas of said county It shall not be necessary to the validity of such conditional sale contract or in order to entitle it to be filed that it must be acknowledged or attested This section shall not apply to the contracts described in section eight

On the question,

Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 6, Page 2, Line 5, by striking out the word "may" at the end of the line, and insert in lieu thereof the following: "must"

Amend Section 6, Page 2, Line 6, by striking out after the word "This" and before the word "shall" the word "secion" and insert in lieu thereof the following: "section"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 The provisions of this act shall be retroactive and shall apply to all contracts or copies heretofore filed in accordance with the provisions of the act to which this is an amendment

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Agriculture will meet at 8:00 P. M. in Room 324.

Representatives from Sixth Class Counties will meet immediately after this session in Room 323.

The Committee on Banking will meet immediately after this session in the Conference Room.

The Committee on Public Health and Sanitation will meet immediately after this session in the corner to the right of the rostrum.

The Special Committee consisting of Messrs. Ruth, Furman, Brownfield, Schwartz, Baldi, Longaker, Dent, Robinson and Nothnagle will meet immediately after this session in the Conference Room.

The Committee on Fisheries will meet immediately after this session in the Conference Room.

For the convenience of members of the Senate and House attending the June pole dance, onion festival and hog calling contest this afternoon, two buses will be in front of the capitol at 4:00 P. M. You are to be guests of the newspaper correspondents and the only equipment necessary is a thirst and an appetite. For the information of those using their own cars, the place of assembly is Hagy's Hanging Gardens which is reached by driving out Cameron Street, past the agricultural building and the insane asylum (please keep going) until you reach a swimming pool at the right of the road. One hundred yards beyond the pool refreshments will be found.

The Committee on Ways and Means will meet immediately after this session in Room 326.

The Committee on Rules will meet at 8:15 P. M. in the Speaker's Office.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:30 P. M. Are there objections? The Chair hears none and declares a recess until 8:30 P. M.

AFTER RECESS

The House reconvened at 8:30 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 1555

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg,
June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1555, Printer's No. 751, entitled, "An act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officers of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds."

The purpose of this bill is to permit an appeal to the Court of Common Pleas of Dauphin County from the refusal of the Board of Finance and Revenue, after hearing,

to refund moneys paid to the Commonwealth, or to remit penalties imposed for failure to file a tax report within the time specified by law.

Under existing law the action of the board in refusing to allow refunds or to remit penalties is final.

The right to make refunds of moneys paid to the Commonwealth was originally exercised by a board composed of the Auditor General, State Treasurer, and Attorney General under the provisions of the Act of April 8, 1869, Pamphlet Laws, 19. Since then disallowances of refunds by that board and its successor, the Board of Finance and Revenue, have not been subject to appeal to the courts. This practice has operated satisfactorily and there is no compelling reason why it should now be changed.

Under the present law any taxpayer or other debtor to the Commonwealth may appeal to the courts prior to payment of his obligation. This bill would provide an additional and superfluous remedy in permitting another appeal after payment. It would tend to encourage litigation and would uselessly burden the courts of the Commonwealth.

There is no valid reason why an appeal should be necessary from the discretionary action of the board in refusing to remit penalties imposed for failure to file tax reports within the time provided for by law. It is because of the tax payers failure to comply with the express provisions of the law that these penalties are imposed. He should therefore have no remedy beyond that which he now enjoys.

For these reasons the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

Mr. CAPUTO. Mr. Speaker, I move that the communication, together with the bill be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

RESOLUTION INTRODUCED AND REFERRED

By Mr. EBERHARTER. (Concurrent)

RESOLUTION No. 172.

In the House of Representatives, June 12, 1935.

Whereas, In the Fifteenth Ward of the City of Pittsburgh Pennsylvania there has been for many years an imperative need for additional recreational facilities by reason of its being a congested residential district peopled almost exclusively by a wage-earning class and

Whereas, The people of this section realizing this need and appreciating the fact that proper supervision of the activities of children and healthful recreation will tend to improve the children's morals as well as their health and thus give the promise of a cleaner and more wholesome citizenship in the years to come have repeatedly petitioned the Mayor and the Council of the City of Pittsburgh Pennsylvania to construct a swimming pool in their neighborhood and

Whereas, It now appears that a majority of the Council of said City are convinced that this section should have a swimming pool and

Whereas, The reason that such a swimming pool has not been constructed is because of the lack of funds and

Whereas, The Congress of the United States by a recent Act gave to the President of the United States the power and administration of expending Four Billions Eight Hundred Million Dollars for public improvements as a means of alleviating unemployment and

Whereas, It is believed that the construction of a swimming pool in the Fifteenth Ward of the City of Pittsburgh Pennsylvania would come within the purposes and intent of the Act of Congress providing for this huge expenditure of public funds therefore be it

Resolved, That the Mayor and the Council of the City of Pittsburgh Pennsylvania are hereby requested to petition the President of the United States to allocate out of the Four Billions Eight Hundred Million Dollars a sum sufficient for the construction of a swimming pool in the Fifteenth Ward of the City of Pittsburgh Pennsylvania and be it further

Resolved, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to the Mayor and the Council of the City of Pittsburgh Pennsylvania.

Referred to the Committee on Cities.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 344.

An Act to amend the title and sections one and two of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand nineteen) entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sale of seated lands for collection of taxes authorizing the county commissioners to sell the same at private sale under the circumstances" by extending the provisions thereof to unseated lands.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 862

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 862.

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 817

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 817.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Penn-

sylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and providing further for retirements and the rights of retired persons.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. COHEN asked and obtained permission of the House for the Committee on Appropriations to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 666.

An Act appropriating the moneys in the State Forests and Waters Fund.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 1, line 10, by striking out after the word "of" the words "such proportion of direct profits derived from the sale of land or its products resulting from Emergency Conservation Work projects and for the payment of net profits accruing from the administration of lands acquired from the Federal Government and its agencies as may be required by Federal law or order or as may be agreed upon from time to time by the Secretary of the United States Department of Agriculture and the Secretary of the Pennsylvania Department of Forests and Waters" and inserting in lieu thereof the words "so much of its share and direct profits derived from the sale of land or its products resulting from Emergency Conservation Work Projects as may be required by Federal Law or order."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Falkenstein,	Mallen,	Schwartz,
Alexander,	Ferko,	McCreary,	Shaw,
Allen,	Finnerty,	McDermott,	Shepard,
Altenburg,	Fitch,	McDevitt,	Shortz,
Andrews,	Flanagan,	McElroy,	Shreiner,
Arnold,	Flinchbaugh,	McHenry,	Siegel,
Atkins,	Flynn,	McKinney,	Simon,
Baine,	Forrest,	Melchiorre,	Simpson,
Baker, F. T.,	Furman,	Mentzer,	Sinwell,
Baker, J J.,	Gates,	Merrell,	Sloan,
Baldi,	Gerard,	Moomaw,	Smith, J. A.,
Barber,	Gillette,	Mooney,	Smith, W. G.,
Barnhardt,	Green,	Moore,	Snyder, F. E.,
Bernhard,	Greenstein,	Moran,	Snyder, J. L.,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hartman,	O'Neill,	Surface,
Brownfield,	Hefferon,	Panton,	Terry,
Brumbaugh,	Hermansen,	Parks,	Tronzo,
Burke,	Hetrick,	Patterson, C.,	Trout,
Cannon,	Hindman,	Patterson, J. W.,	Tumelty,
Caputo,	Hirsh,	Pearson,	Turner,
Carr,	Hoffner,	Perry,	Van Allsburg,
Carson,	Holland,	Peters,	Van Sickle,
Castor,	Holstrom,	Pfaff,	Walker,
Chervenak,	Hoopes,	Phillips,	Wall,
Coakley,	Horst,	Piole,	Wasserman,
Cochran,	Jackson,	Powers,	Weidemann,
Cohen,	Jones,	Reising,	Weiss,
Coleman,	Kane,	Reynolds,	Welliver,
Condon,	Kelder,	Rhys,	Welsh,
Conner,	Kelso,	Rinn,	Westrick,
Cordier,	Kilroy,	Roan,	White,
Davies,	Kinney,	Robinson,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Diehl,	LaRue,	Ruth,	Wood,
Dilley,	Linderman,	Sarraf,	Woodside,
Downey, G. E.,	Long,	Scanlon,	Yourishin,
Downey, J. J.,	Longaker,	Schrock,	Zappala,
Duffort,	Lovett,	Schrope,	Zimmerman,
Eberharter,	Lynch,	Schwab,	Sarig,
Eroe,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS UPON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 1972

Mr. ACHTERMAN. Mr. Speaker, I move that the House insists upon its non-concurrence in the amendments made by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1972, Messrs. Achterman, Allen and Wall.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SIMON asked and obtained permission of the House for the Committee on Judiciary Special to meet during the session of the House.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 900.

An Act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws ninety-one) entitled "An act relating to municipal indebtedness imposing certain

powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maxmum maturity of refunding bonds and providing penalties" limiting existing indebtedness as covered by the section to bonded indebtedness

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 434.

An Act validating adoptions in courts of record of the Commonwealth

HOUSE BILL No. 219.

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients

HOUSE BILL No. 1279.

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments

HOUSE BILL No. 1879.

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief

HOUSE BILL No. 2067.

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties"

HOUSE BILL No. 292.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2050

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2050, Printer's No. 636, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. SCHROPE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 2485

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2485, Printer's No. 1301, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. SIMON. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. WILLIAM G. SMITH, from the Committee on Pensions and Gratuities, reported as committed, House Bill No. 2958, entitled:

An Act providing for and regulating, subject to certain restrictions, limitations and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' Assistance in the several counties or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties.

Mr. O'KEEFE, from the Committee on Ways and Means, reported as committed, House Bill No. 2904, entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined, used or useful in beautifying, cleansing, preserving and improving the appearance of the skin, hair or teeth, and including perfumes and shaving preparations, by dealers as herein defined; requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined, engaged in the sale of cosmetics at retail or wholesale; providing penalties; and making an appropriation.

Mr. SIEGEL, from the Committee on Fisheries, reported as committed House Bill No. 2319, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Common-

wealth," by defining and regulating fish-bait; providing additional penalties for possession of fish during closed season; providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses; declaring unlawful certain methods of fishing; fixing license fees for outlines; providing for naturalized foreign born resident's licenses and licenses lost or destroyed; providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor; providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons; and extending the right to set aside certain waters for nursery waters.

Mr. FERKO, from the Committee on Public Health and Sanitation, reported as committed House Bill No. 2548, entitled:

An Act to amend sections two, three and four of the act approved the fifth day of June, one thousand nine hundred and thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (Inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof, by imposing duties on public health nurses, social workers, county medical directors and physicians, and increasing penalties for violation of said act.

Mr. WEISS, from the Committee on Judiciary Special, reported as committed House Bill No. 2990, entitled:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles; and providing penalties.

Mr. WEISS, from the Committee on Ways and Means, reported as committed House Bill No. 2970, entitled:

An Act to amend the act approved the twenty-second day of November, one thousand nine hundred thirty-three (1933-1934 Special Session, Pamphlet Laws five), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties," by providing for an extension of time for payment in certain cases.

Mr. BAINE, from the Committee on Ways and Means, reported as committed House Bill No. 2895, entitled:

An Act imposing a State tax, payable by those herein defined as manufacturers and special wine permittees on wines used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or wines taxable hereunder; and prescribing penalties.

Mr. GEORGE E. DOWNEY, from the Committee on Appropriations, reported as committed House Bill No. 1121, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania, for optometrical education.

Mr. STANK, from the Committee on Appropriations, reported as committed House Bill No. 1864, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

Mr. LOVETT, from the Committee on Appropriations, reported as committed House Bill No. 1228, entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

Mr. FLANAGAN, from the Committee on Appropriations, reported as committed, House Bill No. 2711, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June, one thousand nine hundred and nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

Mr. OMINSKY, from the Committee on Manufacturers, reported as committed House Bill No. 2961, entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth, to devise means to halt the same, and to make a general survey of the steel industry; and making an appropriation.

Mr. HART, from the Committee on Appropriations, reported as committed, House Bill No. 2743, entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park.

Mr. HARKINS, from the Committee on Pensions and Gratuities, reported as committed House Bill No. 2962, (Senate Bill No. 34), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school service prior to the establishment of the retirement system.

Mr. STOCKHAM, from the Committee on Judiciary Special, reported as committed House Bill No. 2989, (Senate Bill No. 1538), entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefit.

Mr. CORDIER, from the Committee on Banking, reported as committed, House Bill No. 2966, (Senate Bill No. 899), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking.

and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers; and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. BAINE, from the Committee on Banking, reported as committed House Bill No. 2968 (Senate Bill No. 1163), entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations; and prescribing penalties for the violation of this act.

Mr. SARRAF, from the Committee on Banking, reported as committed House Bill No. 2965 (Senate Bill No. 889), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. HARMUTH, from the Committee on Appropriations, reported as committed House Bill No. 1403 (Senate Bill No. 350), entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers providing for the payment of such excavations and making an appropriation.

Mr. WINNER, from the Committee on Boroughs and Townships, reported as committed, House Bill No. 2931, (Senate Bill No. 954), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

Mr. GILLETTE, from the Committee on Appropriations, reported as committed, House Bill No. 2933, (Senate Bill No. 1026), entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview

Mr. STEVENS, from the Committee on Ways and Means, reported as committed, House Bill No. 2982, (Senate Bill No. 1458), entitled:

An Act to amend sections six and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by requiring reports of distributors to show the county within which liquid fuels are used or delivered and changing the method of apportioning the counties' share of such tax.

Mr. STEVENS, from the Committee on Appropriations, reported as committed House Bill No. 2901, (Senate Bill No. 1382), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Mr. VanSICKLE, from the Committee on Counties, reported as amended, House Bill No. 1723, entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth; prescribing the procedure therefor and delimiting the costs thereof; imposing certain duties on directors of the poor and or the county commissioners in the several counties; and providing penalties.

Mr. WEISS, from the Committee on Ways and Means, reported as amended, House Bill No. 229, entitled:

An Act to further amend the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decendent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," providing for the transfer of the powers and duties incident to the collection of transfer inheritance taxes from registers of wills, county treasurers and the Auditor General and his agents to the Department of Revenue.

Mr. GERARD, from the Committee on Appropriations, reported as amended, House Bill No. 2507, entitled:

An Act establishing, creating and constituting an Investment Control and Advisory Board of the Common-

wealth; defining its powers and duties; providing for its organization and equipment, and making an appropriation for the operation and expenses of said Board for the two years ending May 31, 1937.

Mr. BAINE, from the Committee on Banking, reported as amended, House Bill No. 2911 (Senate Bill No. 1030) entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

Mr. TURNER, from the Committee on Appropriations, reported as amended, House Bill No. 1672 (Senate Bill No. 537) entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware, Commonwealth of Pennsylvania.

Mr. CONNER, from the Committee on Appropriations, re-reported as amended, House Bill No. 2897 entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Mr. MALE, from the Committee on Appropriations, re-reported as committed, House Bill No. 2708 entitled:

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

Mr. SINWELL, from the Committee on Education, re-reported as committed, House Bill No. 2125 (Senate Bill No. 768) entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation.

Mr. SPROUL, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 2770 (Senate Bill No. 666) entitled:

An Act regulating the used automobile parts business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts.

Mr. MELCHIORRE, from the Committee on Banking, reported as committed Senate Resolution (Serial No. 127)

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2958, entitled:

An Act providing for and regulating, subject to certain restrictions, limitations and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' Assistance in the several counties or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2904, entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined, used or useful in beautifying, cleansing, preserving and improving the appearance of the skin, hair or teeth, and including perfumes and shaving preparations, by dealers as herein defined; requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined, engaged in the sale of cosmetics at retail or wholesale; providing penalties; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2319, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by defining and regulating fish-bait; providing additional penalties for possession of fish during closed season; providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses; declaring unlawful certain methods of fishing; fixing license fees for outlines; providing for naturalized foreign born resident's licenses and licenses lost or destroyed; providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor; providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons; and extending the right to set aside certain waters for nursery waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2548, entitled:

An Act to amend sections two, three and four of the act approved the fifth day of June, one thousand nine hundred and thirteen (P. L. 443), entitled "An act for the

prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (Inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof" by imposing duties on public health nurses, social workers, county medical directors and physicians, and increasing penalties for violation of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2990, entitled:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2970, entitled:

An Act to amend the act approved the twenty-second day of November, one thousand nine hundred thirty-three (1933-1934 Special Session, Pamphlet Laws five), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties," by providing for an extension of time for payment in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2895, entitled:

An Act imposing a State tax, payable by those herein defined as manufacturers and special wine permittees on wines used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or wines taxable hereunder; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1121, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania, for optometrical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1864, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1228, entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2711, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June, one thousand nine hundred and nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2961, entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth, to devise means to halt the same, and to make a general survey of the steel industry; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2743, entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2962 (Senate Bill No. 34), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school

service prior to the establishment of the retirement system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2989 (Senate Bill No. 1538) entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2966 (Senate Bill No. 899), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2968 (Senate Bill No. 1163), entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations; and prescribing for the violation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2965 (Senate Bill No. 889), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1403 (Senate Bill No. 350), entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers providing for the payment of such excavations and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2931 (Senate Bill No. 954), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2933 (Senate Bill No. 1026), entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2982 (Senate Bill No. 1458), entitled:

An Act to amend sections six and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially

usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by requiring reports of distributors to show the county within which liquid fuels are used or delivered and changing the method of apportioning the counties' share of such tax.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2901 (Senate Bill No. 1382), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. LYNCH asked and obtained permission of the House for the Committee on Manufactures to meet during the session of the House.

LEAVE OF ABSENCE

Mr. Moul asked and obtained leave of absence for Mr. FLINCHBAUGH on account of illness.

RESOLUTION

Mr. MELCHIORRE. Mr. Speaker, I call up at this time Senate Resolution (Serial No. 127).

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 18, 1935.

Whereas, There is now pending before the Congress of the United States certain proposed legislation vitally affecting the banking system in this country, and

Whereas, Among other provisions of this legislation is a provision authorizing the creation of branch banks which experience has proven is not a wise policy in this country,

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reject any proposed legislation creating a branch banking system.

Resolved, That a copy of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RECONSIDERATION OF HOUSE BILL NO. 1083

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that the vote by which House Bill No. 1083, Printer's No. 1087, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam or mercury boilers steam engines and turbines designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

was defeated on final passage on June 3, 1935, be reconsidered.

Mr. CHERVENAK. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Patterson, vote on the final passage of this bill?

Mr. JAMES W. PATTERSON. In the negative, Mr. Speaker.

The SPEAKER. How did the gentleman from Cambria, Mr. Chervenak, vote on the final passage of this bill?

Mr. CHERVENAK. In the negative, Mr. Speaker.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. Mr. Speaker, as I read the House History, this bill was defeated on final passage on June 3. It appears to me that more than five Legislative days have elapsed and that a motion to reconsider is not in order.

The SPEAKER. For the information of the gentleman from Philadelphia the Chair will state that the five days means legislative days. The day on which the bill was acted upon is not counted. So, June 4, was the first legislative day, June 5, the second. On June 6 the House was not in session. June 10, was the third day, June 11 was the fourth and June 12 is the fifth day.

Mr. WITKIN. Mr. Speaker, I withdraw my point of order I had forgotten that there was no session on Thursday.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it.

Whereupon, a division was called for, ninety members having voted in the affirmative and forty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, House Bill 1083, Printer's No. 1087 was up for final passage on Monday, June 10, 1935, and approximately 65 votes were cast in the affirmative.

The bill provides for the licensing of engineers. The bill on its face—that is on the face of the title is written as if it were for the protection of the public, but the bill is not for the protection of the public, because it only licenses engineers that take charge of boilers with equipment attached. It is just as dangerous to have boilers without equipment as it is to have them with it. It is

possible to run equipment with low pressure boilers and large cylinders.

The bill eliminates protection to the public in places of amusement and in places where large numbers of people congregate. In those places like large apartment houses, hotels, and institutions of that kind, that heat their places with high pressure boilers, the bill provides for no license at all.

In Philadelphia County and in two or three other counties of the state there is a licensing system for engineers and in all of the counties the engineers are licensed to take care of high pressure boilers. In Philadlphia county if this bill passes, over eleven hundred rejected applicants for engineers licenses, who are unqualified and incompetent to have charge of boilers would immediately be given a license. But there is a more serious objection to this bill because the Legislature of Pennsylvania in 1891 passed an act which authorized boiler insurance companies to issue insurance against damwould most likely repeal that act of the assembly beages resulting from boilers or boiler explosions. This bill cause it would be inconsistent. It may relieve those insurance companies from liability on their policies where the act of 1891 provides that the insurance companies appoint boiler inspectors. Those inspectors are qualified and receive the approval of the Department of Labor. If this bill was passed, then the act providing for qualified inspectors representing insurance companies and the policies of insurance companies insuring against damage by boiler explosions would be repealed. This bill may seem simple on its face but it is not a protective measure to the public.

Mr. LONG. Mr. Speaker and members of the House, there appears to be an unusual degree of misunderstanding upon this very sound bill. This bill has received a great deal of consideration and study in the House Committee on Education, and it was overwhelmingly reported out after it had been subjected to a public hearing, where engineers, boiler inspectors, insurance companies and other people concerned were consulted, and where their opinions were learned and where their suggested amendments were given due consideration.

This bill is primarily a measure for safety.

I would like to clear up just a few of the misunderstandings which are so apparent concerning this bill. In the first place, this bill has no connection with the act of 1891, which relates to the insurance of boilers and to their inspection by inspectors of insurance companies. This will in no way repeal that act and in no way intends to do so.

The principle of licensure of stationary engineers is not new in the state of Pennsylvania. It has been passed upon favorably by three Legislatures. The first bill, which related to first class cities, was passed in 1899. There were subsequent bills passed relating to second and third class cities.

Mr. Speaker, I would yield at this time to the gentleman from Allegheny, Mr. Patterson.

HOUSE BILL NO. 1083 MADE SPECIAL ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that this bill be made a special order of business on final passage Monday, June 17, 1935, at 9:30 P. M.

The motion was agreed to.

RESOLUTION

COMMITTEE TO INVESTIGATE STATE BOARD OF PHARMACY

Mr. MELCHIORRE asked and obtained unanimous consent to offer a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, June 11, 1935.

Whereas, There has been much criticism directed against the State Board of Pharmacy to the effect that the board is no longer complying with the provisions of the law under which the board was created; and

Whereas, It is alleged that the board has repeatedly shown favortism to certain persons and to the graduates of certain pharmaceutical schools; and

Whereas, It has been charged that the board permits certain privileged persons to meet a lower standard of qualifications than it does other persons; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint five members of this House whose duty it shall be to fully, fairly and impartially inquire into and investigate the practices of the State Board of Pharmacy, particularly as to the educational requirements; whether there exists any evidence of favoritism and whether the members of the board are properly qualified and are carrying out the duties imposed by law on said board.

Resolved, That the said committee shall make a report on its findings to the House of Representatives at its next session.

Resolved, That the said committee shall have power to issue subpoena sunder the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to tetsify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

The SPEAKER. The resolution will be filed with the Clerk.

COMMISSION TO INVESTIGATE SICK

Mr. TRONZO asked and obtained unanimous consent to offer a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, June 12, 1935.

Resolved, That the Governor is hereby authorized to appoint a commission of nine persons whose duty it shall be to study and investigate the extent of illness and the conditions of the sick in this Commonwealth, the adequacy of the present methods of medical care, the present methods of meeting losses caused by illness, and to procure such other information as it may deem necessary for the purpose of recommending ways and means for better provision of medical care and the protection of wage-earners from sickness. The commission shall study the possibility of health insurance legislation and report upon the advisability of such a plan for the Commonwealth of Pennsylvania, including a proposed method of financing such plan. Every department and agency of the State Gvoernment shall furnish to the commission such information and assistance as the commission may request.

Resolved, That said commission shall organize by the selection of a chairman, vice-chairman and secretary. The members of the commission shall serve without compensation. The commission shall have all the powers of a legislative commission, and shall formulate such plans for its organization and work as may be deemed necessary.

Resolved, That said commission shall make a report of its findings and recommendations to the House of Representatives on or before the fifteenth day of February, one thousand nine hundred and thirty-seven.

The SPEAKER. The resolution will be filed with the Clerk.

BILL ON SECOND READING

Mr. KOBELAK. Mr. Speaker, I desire to call up at this time House Bill No. 1593, Printer's No. 1271, on page 17 of today's calendar, bills on second reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. KOBELAK and

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 1593, entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nineteen million eight hundred eighty thousand dollars ($19,880,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Welfare for expediture during the biennium ending the thirty-first day of May one thousand nine hundred thirty-seven for Old Age Assistance in the manner provided by law

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, lines 4 and 5, by striking out the words "nineteen million eight hundred eight thousand dollars ($19,880,000)" and insert in lieu thereof "forty million dollars ($40,000,000)"

On the question,

Will the House agree to the amendment?

Mr. HOOPES. Mr. Speaker and members of the House, I do not want to take a great deal of your time, but I want to call attention to a few of the facts which we have obtained on this question of old age assistance.

You will remember that when this bill was called up last week I asked to have it postponed in order that we might obtain figures from the Department of Welfare. This is a most important measure. Upon resolution of the House, we obtained information from the Department of Welfare upon which to intelligently figure the amount which would be necessary for this appropriation. You will recall that at the time it was before us last week, we were told that they had no definite figures, but since that time, upon our request, they have telegraphed the various county Boards of Mothers Assistance who have charge, as well of old age assistance and have obtained figures of the number of persons who have applied for old age assistance, the number who have been investigated, the number who have been approved and who are actually being paid, those who have been approved but who are not yet being paid because of want of funds, and the number of those who have not been investigated at all. Those figures have been submitted to the members of the House by counties in mimeograph form, which was handed around yesterday. For those of you who are interested and seem to have lost your sheets, there are a few extra ones upon my desk and to which you are welcome.

The figures show that one hundred and thirteen thousand two hundred and twenty-seven persons have applied for assistance and that thirty-two thousand seven hundred and thirty-one persons are receiving it at the present time. Five thousand one hundred and seven have been investigated and approved, but there are no funds with which to pay them. Fourteen thousand two hundred and sixteen have been rejected and the total number that has been investigated is fifty-two thousand and fifty-four, and there were sixty-one thousand one hundred and seventy three who have not been investigated at all. Those figures are taken from the mimeograph report which all of you have upon your desks.

I shall now give you a few more figures which I would suggest those of you who are really interested in this matter of old age assistance take down for reference.

The present monthly appropriation for old age assistance is six hundred and ninety four thousand dollars. The average grant per case, as shown by the Department of Welfare is twenty dollars and ninety eight cents. On the basis that the present appropriation, making no allowance for funerals, and I may say that a certain number of funerals are paid by the department, but if all the money which is appropriated to them under the present appropriation is allowed for old age assistance, only thirty-three thousand and seventy-nine can be taken care of. Under the bill which is before you, House Bill 1593, an appropriation of nineteen million eight hundred and eighty dollars is appropriated for the biennium. If you divide that figure by twenty-four, you will get the monthly allowance of eight hundred and twenty-eight thousand three hundred and thirty-three dollars and thirty-three cents. If you divide that figure by the average grant of twenty dollars and ninety-eight cents, you will find that thirty-nine thousand four hundred and eighty is the number that can possibly be cared for under this proposed appropriation, with absolutely no allowance for funerals.

And now, of the fifty-two thousand and fifty-four cases that have been investigated up to the present time, thirty-seven thousand eight hundred and thirty-eight or seventy-two and seven tenths percent have been approved. If you take that percentage of the total number of applications, and we have every reason to believe that this represents a fair sample of those that have been investigated, it would be almost half of the total. Taking that percentage of the total number of applications, which is one hundred and thirteen thousand two hundred and twenty-seven, we obtain the figure of thirty-two thousand two hundred ninety-four as the probable number of aged persons who will qualify under the present old age assistance act.

If we compute the amount that is necessary to take care of those persons upon the average grant as given us by the Department for those who are now receiving twenty-dollars and ninety-eight cents, we obtain a figure of one million seven hundred twenty-six thousand four hundred and seventy-eight dollars and twelve cents as the amount necessary for each month, and for the biennium the necessary appropriation will be forty-one million four

hundred thirty five thousand four hundred and seventy-four dollars and eighty-eight cents.

Now, the proposed amendment only calls for forty million dollars and does not cover the next million and a half which will be necessary under the figures nor does it cover anything whatever for funerals, and under the act they claim they pay one hundred dollars each for funerals of those persons who are indigent and have no other other means for their funerals to be paid. So much for the figures that are before us.

I think that it is fair to say that from those figures the proposed amendment is a conservative one, as it does not cover the amount that appears to be necessary.

There comes now the question of whether or not we want the amendment. I submit to the members of the House that it is not fair to pay old age assistance to some people who qualify under the act, and not to all who qualify under the act, and yet that is exactly what we will do if we do not substantially increase this proposed appropriation. We will pay to those who made their applications first, and others who made it later who may be in greater need will be denied it, not because they did not qualify but merely because the money is not forthcoming.

At this point I would like to call the attention of the members of the House to the fact that both the Republican and Democratic parties have pledged themselves not to old age pauper assistance that is provided under this act, which we have before us, but to old age pensions, which would provide at least $30 a month to each person who was in need of it.

The age limit under our present act is 70 years, which is not enough even to qualify for sharing Federal funds. We would have to reduce our age limit from 70 to 65 to share in Federal funds, and those who are familiar with this problem will tell you that if you reduce your age limit from 70 to 65, you will exactly double the number of persons who will qualify. In other words, the death rate is so great above the age of 70 that there are twice as many people above 65 as there are above 70. I am not suggesting at this time that this age limit should be reduced, but I am calling your attention to the fact that if Pennsylvania adopts old-age pensions the necessary appropriation should be made.

I do not know how it is with other members of the House, but I know that every week-end when I am at home, these aged people who have made their applications six or eight months ago, but because of lack of funds to make the investigation and lack of funds to pay the old age assistance are not receiving it, come into my office by the score. A member here has just shown me a half a dozen letters on that subject which he has received recently. I believe that all of you are interested in this problem. I believe that every one of you have these people coming to your offices, to your homes, begging you to take care of them.

We have pledged old age pensions, but we have not even appropriated the money for this pauper old age act, which we have upon the statute books.

Those of you that have paid attention know that only last week Director of Unemployment Relief Johnson announced that they were going to take off the unemployment relief rolls in Pennsylvania all persons who were unemployable, that they were going to be put upon the poor boards, and that applies to the persons who are over seventy years of age and who are not able to work. They are going to be taken off unemployment relief if they are on it and they are going to go back to your poor boards. Do you realize what that means?

I believe that many members of the House are pledged to reduce real estate taxes and the poor board funds come from real estate taxes at home. If you pass an appropriation that is insufficient to take care of these aged, you will reduce the burden upon the poor boards. If you refuse to increase this appropriation and allow it to remain inadequate as it is in this measure then you will have your poor boards carrying the burden on to your local taxpayers who will continue to pay and that is the thing you have been complaining about. Therefore, you will not be helping the people back home unless you increase this appropriation. Many of these aged persons are threatened with loss of homes. Only last week I had a case of a man who had been approved by the local board, who was not being paid because of lack of funds. He showed me a letter from the owner of his home threatening him with eviction. He was threatened with that eviction several months ago. They told him that when he got his pension he would be able to pay his rent. He told the landlord that and he held off, but now he is getting in deeper; he is not getting his rent, and he came to me and said he hoped we would increase the appropriation and he would then be able to keep his home. Many of the aged are compelled to rely upon public assistance today not because they did not save when they were able to make money, but because the savings that they had stored up in their active years or deposited in banks or invested in mortgages were lost through the depression. Those persons are up against the need of assistance. We have pledged ourselves to help them. Therefore, Mr. Speaker and members of the House, I plead with you to protect the aged of Pennsylvania. Give them that to which they are obviously entitled. Give them that which both the major political parties have promised by increasing the appropriation. Merely to pass an old age assistance bill and not appropriate enough money to carry it is to mislead the aged of Pennsylvania, is to insult them, is to deceive them, and I am sure that you do not want to do that. I am sure that you want to take care of these people and the only way that you can take care of them is by increasing this appropriation as proposed in these amendments.

I urge the members to vote for these amendments and I ask for a roll call, Mr. Speaker.

Mr. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks, Mr. Hoopes, permit himself to be interrogated?

Mr. HOOPES. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, I desire to ask the gentleman from Berks, Mr. Hoopes, if I understood him correctly when he said the only way to take care of the aged would be to increase this appropriation?

Mr. HOOPES. That is correct, Mr. Speaker.

Mr. COHEN. Mr. Speaker, I desire to ask the gentleman from Berks how the aged would be more adequtely taken care of by increasing this appropriation than they would be by the present appropriation in this present bill?

Mr. HOOPES. Mr. Speaker, in answer to the gentleman, I will repeat what I though I had pointed out quite clearly in my statement, namely, that the appropriation under the present bill will take care of less than half of

those who appear from the figures submitted by the Department of Welfare will qualify. The purpose of increasing the appropriation is to take care of the larger number who will not be reached by the appropriation as submitted in this bill.

Mr. COHEN. Mr. Speaker, I desire to ask the gentleman in what manner will an increased appropriation more adequately take care of the needs of the aged if the money that is supposed to be carried by the appropriation is not available?

Mr. HOOPES. Mr. Speaker, in answer to the gentleman, it is certainly obvious that just as empty a gesture as it is to pass no appropriation, so it would equally be an empty gesture to pass an appropriation if you didn't have the necessary funds. It is obvious that we will have to raise the necessary funds in order to appropriate them.

MR. COHEN. Mr. Speaker and members of the House, the gentleman from Berks, Mr. Hoopes, has presented to this House the exact argument that I had intended to present to you.

I don't believe that there is a member of this House who has been more sincere in his efforts to aid the aged than the gentleman from Berks.

In my experience with old age assistance law in the past session I was only too glad and too willing to join forces with the gentleman from Berks in an effort not only to discharge the House Committee that had the Constitutional Amendment bill pickled but also to aid the passage of the present old age assistance act. However, those actions both of the gentleman from Berks and of myself in the matter were actions that had some concrete possibility. However, the suggestion of raising this appropriation from twenty to forty million dollars is nothing more than a futile gesture on our part. We all understand that the present finances of the state of Pennsylvania are so encroached upon that the mere fact that we increase these appropriations from twenty to forty million dollars is not going to increase the available funds with which to pay that appropriation. A number of tax studies have been made of the situation involving the Commonwealth's finances. You gentleman of the House have heard that innumerable times. You doubtless also understand the full force and effect of the Supreme Court's decision on the Talbot act. Care of the aged is not a preferential governmental obligation. Old age assistance is one that does not have a preferential claim upon the revenues of the Commonwealth and until we take care of the governmental expenses, in addition to the aged, mothers' assistance fund, aid to the hospitals and all other subsidies that are indulged in by this Commonwealth must be abated. At the last session we saw at least ten million dollars appropriated for State aid, which was not met. Our present appropriation bill carries with it a re-appropriation for that abated amount, but, nevertheless, it does not appropriate money with which to pay it.

I have noticed during the tax program presented in this House that in a number of individuals who undoubtedly will vote for this increased appropriation have voted against this increased taxation. I have noticed that even the gentleman from Berks has not presented to this House an adequate tax-raising measure, one that has the possibility of passing both the House and the Senate across the Hall. If we indulge in increasing this appropriation, the only thing we are doing is presenting to the aged a futile hope. We are according to them a possibility, we are according to them the desire that they are going to be taken care of when we know at the bottom of our hearts that the forty million dollars will not be forthcoming with which to pay it. I believe that this House must face that fact and I assure the members of this House that if there were available funds, I would only be too glad to be the first to make the appropriation of those funds available for the care of the aged, but the money is not there, the proverbial cupboard is bare, and until the Senate and this House provide adequate funds with which to pay those moneys, the action on our part in increasing the appropriation from twenty to forty million dollars would be but a futile gesture.

Mr. DENT. Mr. Speaker and members of the House, after listening to the very able explanation given by the gentleman from York, Mr. Cohen, I almost hesitate to rise in support of these amendments but nevertheless I do so, because I feel that although it is not a preferential expenditure of the State, it is for the benefit of the citizens of the State.

We have in Westmoreland County three thousand six hundred forty-one applicants for old age assistance. I would not say that three thousand six hundred forty-one have come to my door, but I reckon that about six hundred of them have. We have three hundred sixty-three who had their old age assistance applications approved as far back as last November. One of these men asked me to try and do something toward getting his old age pay to him. I did my best. Last week I received a little letter and it said,

Irwin, Pennsylvania.

Dear Mr. Dent.

"This is to let you know that my father has died and will not need the old age assistance.

Respectfully yours,"

I will omit the name as I feel that it would be improper to subject that family to that particular bit of publicity.

That letter hit me as it should strike every member of this House, inasmuch as these men who are asking for assistance are not men who have failed to do their bit toward creating the wealth of the Commonwealth, they are men who have had ordinary incomes all their lives, have built homes and raised families. The members of some of those families are sitting here in the House. Those men and women, I should say, are the backbone of the Commonwealth, they are the common worker of the Commonwealth of Pennsylvania. I feel that anything that we can do to hold out a promise to these people and try to fulfill that promise is proper and that we should do it.

You say that we will not have twenty million dollars to give them. Unlike some members of the House, I voted for every tax measure. I also introduced in this House a measure by which this old age assistance pay could be raised and paid, namely, through the contribution of the workers themselves.

We have in Pennsylvania two types of pensions. We have the pauper pension, known as the old age assistance. We have the privileged pension and commonly known as the State Teachers and the State Employees pensions. We have also a very peculiar thing in that we pay judges who receive as high as twenty thousand dollars a year, we pay them as high as seven hundred dollars a month pensions due to the fact of course that they contributed. I

take the attitude that the common laborer will contribute if given the chance and the opportunity to contribute. It is only fair that we do something. I heartily approve raising the appropriation at this time, because if you don't do something to raise that money then you say to the three hundred sixty-three persons who have passed the very stringent rules and have become eligible for this pension or this assistance, you say to them, "You are in just as bad straits as the six hundred and seventy-three people who are receiving this assistance, but due to the fact that we can only raise so much money, we pay the six hundred and seventy-three people and you three hundred and sixty-three citizens do without." It is unfair. If you are only going to give some, then legislate for some. If you are only going to give to a few, then legislate for a few. I will vote for any tax measure regardless of who it hits or how it hits to help the aged.

I honestly believe that the age limit should be cut down. It is reasonable and just that it should be. It is assinine to think that any man seventy years of age can get a job. He might get a job, but if he is the type of man who can get a job, he doesn't need old age assistance. There is no use in kidding ourselves. Let us face the facts. It is one of the most serious questions we have before us today. You might know that an old man of seventy or seventy-one or seventy-two once he becomes a transient or a hobo receives as his limit a dollar and a half from the relief to provide for his livlihood. He becomes a transient—I call them hoboes. If he becomes one of those, then he receives five dollars a week, but if he stays at home and trys to mind his own business, tries to keep his self respect, he receives a dollar and one-half from the relief rolls and that is inadequate.

Ladies and gentlemen of the House, I don't care whether you have the twenty million dollars or not, but if we don't have the twenty million dollars, it is our duty to get them.

We have been here quite a long time this session. We have raised a lot of money for a lot of purposes. We have raised a lot of money to build roads all over the mountains and all through the valleys and in the fields and in the townships and the boroughs and the cities. We are going to do all that work, but how about the one hundred and fifty thousand people, citizens of this Commonwealth, who have worked thirty or thirty-five years, contributed to the wealth, contributed to the security of all of us, and yet we say to them, "We can't raise this money for you." It is foolish. It is ridiculous. It is un-American. This is the first time in my career that I have used the word "un-American", but I say that that is what it is, "You cannot be taken care of." I ask you to vote in all sincerity for these amendments.

Mr. SOWERS. Mr. Speaker and members of the House, I hope this amendment passes. We have pledged ourselves to old age assistance. We should make good our pledges. We have an income tax bill that has been passed. If necessary, the brackets could be lowered, but the aged should not be forgotten.

I too, like many others, have on week ends, caller after caller with reference to old age assistance. We have taught the people to depend on us and now we should make good our promise.

I introduced the lottery bill in order to make good this promise. I introduced income tax bills in order to make good that promise. If the money is appropriated, let it be forty million dollars so that the pensions for the old age assistance will be paid.

Mr. RUTH. Mr. Speaker and members of the House, there is not a member of this House who is more interested and anxious than I am to have the aged given at least a living in their declining years, but with the present situation I do not see where we can raise the money to increase the appropriation at this time, and I ask the members to defeat this amendment.

Mr. KANE. Mr. Speaker and members of the House, we have legislated, we have regulated and passed about everything that can be passed upon, but we have done practically nothing that has benefited anybody. We have created jobs, we have taken care of those who are irresponsible. We may be able to come out of the depression, I hope we will, but there will be a lot of people that will never come out of the depression, because there is one thing we cannot do, and that is to turn back the hands of time. Whether or not we have to stay here all summer to vote on these tax measures, we had better stay here and as one of those who is not only going to vote for tax measures, but is going to help to pay, I implore, as one of the Republican members, every Republican member of the House, as well as the Democrats, to show their constituents that they are voting to help this one class of people who cannot help themselves.

Mr. COHEN. Mr. Speaker, I realize that the speeches in favor of this particular amendment undoubtedly are being made for the record. There is not a man in this house who honestly believes that by increasing this appropriation from twenty to forty million dollars we are going to aid — — —

POINT OF ORDER

Mr. DENT. Mr. Speaker, I rise to a point or order.

The SPEAKER. The gentleman from Westmoreland will state his point of order.

Mr. DENT. Mr. Speaker, I object strenuously to any insinuation on the part of the gentleman from York, Mr. Cohen, that these speeches were made for the record. You may expunge my speech from the record at this time.

Mr. SPEAKER. There is no motion to expunge before the House at this time.

Mr. COHEN. Mr. Speaker, there is not a member of this House who does not realize that this jesture to raise the appropriation from twenty to forty million dollars does not mean one cent more to the aged of the Commonwealth of Pennsylvania. What will it do? It will create in Westmoreland County a false hope to the 363 aged who will not be taken care of. It will create throughout the rest of the state a hope in the aged that they are going to be taken care of. It will create in them a feeling in the Commonwealth of Pennsylvania that we have done our part when we have not. We cannot do our part to the aged of Pennsylvania by increasing this appropriation. The only way we can do our honest part to the aged of Pennsylvania is by approving the tax revenue raisers necessary to take care of them, and I defy any man in this House to show me one honest method by increasing this appropriation from twenty to forty million dollars that we are helping one solitary aged person in the Commonwealth to gain any benefit.

Mr. ANDREWS. Mr. Speaker, I had not intended to inject myself into this discussion, but I would say in answer to the gentleman from York that I believe that it would

be possible to find the twenty million dollars and not impose a penny of new taxes. We have had tax programs but we have not had a program of governmental economy, and we could get half of the twenty million needed by re-adjusting the salaries of the employees of the state and we could make substantial savings to the taxpayers, making local funds available to the old by re-adjusting salaries in the counties, and it would not be necessary. There is money without new taxation.

Mr. BURKE. Mr. Speaker, I desire to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean, Mr. Kane, permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. BURKE. Mr. Speaker, there was a bill before the House this morning that was calculated to produce one hundred million dollars for old age assistance. I would ask how did the gentleman vote on that.

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. The question is not pertinent to this issue and is out of order.

The SPEAKER. The point of order is well taken.

Mr. KANE. Mr. Speaker, I would esteem it a privilege to be allowed to answer that interrogation. I voted against the lottery bill this morning. I am very proud of my vote on that bill, because like the gentleman from Philadelphia I went to law school and I know the history of lottery laws in this state and in this nation. He knows as well as I do that they have been a source of grief to a great many people.

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. Mr. Speaker, the gentleman is not discussing the question before the House.

The SPEAKER. The point of order is well taken. The gentleman will confine himself to the question before the House, which is on the amendments now under consideration.

Mr. KANE. Mr. Speaker, I don't know whether we are beyond the latitude of discussion, or the answering of the challenge of the gentleman from York, who challenged anybody to make a suggestion as to how this money could be raised, but if I may be permitted to make an answer I should like to make a suggestion at this time.

The SPEAKER. The gentleman will proceed.

Mr. KANE. We have passed through this House, and I voted for it, the Sunday movie bill. If you want to raise some money for this purpose, may I suggest that you add a tax provision to that Sunday movie bill and to the Sunday polo bill and to the Sunday tennis bill and a dozen other Sunday sports bills. I, for one, who go occasionally to the Sunday movies would not object a particle to paying ten cents extra or fifteen cents extra, if I knew that that money went specifically to the aged of this Commonwealth. There is one answer and if you want another answers to your challenge I will be glad to give you privately half a dozen answers that you can put into law with the same majority that voted to put through the bill to which I referred.

Mr. COHEN. Mr. Speaker, may I interrogate the gentleman from McKean, Mr. Kane?

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, is the gentleman from McKean, able to guarantee that the Senate will go along with his suggestions?

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. Mr. Speaker, it is a ridiculous question.

The SPEAKER. The question is out of order. The Chair does not rule that it is a ridiculous question, but that the question is out of order.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. HOOPES and Mr. KANE.

The roll was verified and was as follows:

YEAS—135

Allen,	Duffort,	Lovett,	Schwab,
Andrews,	Eroe,	Lynch,	Schwartz,
Arnold,	Falkenstein,	Male,	Shreiner,
Atkins,	Ferko,	McCreary,	Siegel,
Aukerman,	Finnerty,	McDermott,	Simpson,
Baine,	Fitch,	McElroy,	Sloan,
Baker, J. J.,	Gates,	Melchiorre,	Snyder, F. E.,
Barber,	Gerard,	Moomaw,	Sowers,
Barnhardt,	Gillette,	Mooney,	Stank,
Blumberg,	Green,	Moore,	Stevens,
Boose,	Habbyshaw,	Moran,	Stewart,
Boyer,	Haluska,	Moul,	Stockham,
Bradley,	Hamilton, F. P.,	Muir,	Stone,
Brancato,	Hamilton, R. S.,	Munley,	Sumney,
Brennan,	Harmuth,	Murrin,	Surface,
Brown, J. E.,	Hart,	Nagel,	Terry,
Brownfield,	Hartman,	Nothnagle,	Trout,
Brumbaugh,	Hefferon,	Ominsky,	VanAllsburg,
Burke,	Hermansen,	O'Neill,	VanSickle,
Cannon,	Hetrick,	Panton,	Walker,
Caputo,	Hindman,	Pearson,	Wall,
Coakley,	Hirsch,	Phillips,	Wasserman,
Cochran,	Hoffner,	Powers,	Weidemann,
Coleman,	Holstrom,	Reising,	Weiss,
Condon,	Hoopes,	Reynolds,	Welliver,
Conner,	Horst,	Rhys,	Welsh,
Coolahan,	Jackson,	Rinn,	Westrick,
Cordier,	Jones,	Roan,	Wickersham,
Davies,	Kane,	Robinson,	Winner,
Denning,	Kelder,	Root,	Witkin,
Dent,	Kelso,	Ruffennach,	Woodside,
Diehl,	Kinney,	Sarraf,	Yourishin,
Dilley,	Kobelak,	Schrock,	Zappala,
Downey, G. E.,	Linderman,	Schrope,	Zimmerman,
Downey, J. J.,	Longaker,		

NAYS—33

Achterman,	Harkins,	Patterson, J. W.,	Shepard,
Alexander,	Kilroy,	Peters,	Simon,
Brown, H. S.,	Klinger,	Pfaff,	Sinwell,
Cohen,	LaRue,	Piole,	Tronzo,
Eberharter,	Long,	Ruth,	Tumelty,
Flanagan,	O'Keefe,	Scanlon,	White,
Haberlen,	Patterson, C.,	Shaw,	Sarig,
Hagerty,			

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2586.

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the period of redemption to five years where land is purchased by the county

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill page 6, by inserting after the sylables "missioners" in line 23 the following new paragraphs:

"Section 2 The provisions of these amendments shall be applicable in any case where lands have heretofore been purchased by a county and have not been sold by the county

Section 3 The provisions of this act act shall become effective immediately upon its final enactment"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1896.

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by striking out after the word "making" the words "an appropriation" and inserting in lieu thereof the word "appropriations."

Amend bill page 3, by inserting after the word "committed" in line 10 the following new sections:

"Section 3 In addition to the appropriation made by section one of this act the sum of eight hundred fourteen thousand seven hundred seventy-nine dollars and seventeen cents ($814,779.17) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in section one of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to the department for these purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose pay-

ment from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrum,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1595.

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 2, page 2, line 17, by inserting after the word "eight" the following:

"Provided further however that nothing contained herein shall be construed to lapse any appropriation made under the provisions of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred fifty-two) entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration operation and maintenance of bridges over the Delaware River and for the construction of additional bridge facilities across said River authorizing the Governor for these purposes to enter into an agreement with the State of New Jersey creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River and making an appropriation and the amendment thereto of May eighteenth one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred twenty-seven)

And provided further that the remaining balance May thirty-first one thousand nine hundred thirty-five of the appropriation approved the thirteenth day of June one thousand nine hundred thirty-one (Appropriation Acts page seventy-seven) "for the acquisition of land the erection and construction of new buildings and for additions and alterations to improvement or replacement of existing buildings for State Normal Schools State Teachers Colleges Cheyney Training School for Teachers" shall not lapse but shall be available for the construction of a filter and for the insurance of a safe and adequate water supply for the State Teachers College at Mansfield"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,

Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILL TAKEN FROM TABLE

Mr. SCHROPE. Mr. Speaker, I move that House Bill No. 2050, Printer's No. 636 which was recalled from the Governor and laid upon the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. SCHROPE. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. SCHROPE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SCHROPE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the first line of the title by striking out after the word "Act" the following: "entitled An Act to amend the Act"

Amend the twelfth and thirteenth lines of the title by striking out after the word "amended" the words "extending the provisions of said Act to highways in cities as amended" and inserting in lieu thereof the words: "by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocation made with the consent of the county and also for the construction of sidewalks."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL TAKEN FROM TABLE

Mr. SIMON. Mr. Speaker, I move that House Bill No. 2485, Printer's No. 1301, which was recalled from the Governor and laid upon the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. SIMON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. SIMON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SIMON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the fifth line of the title by striking out after the word "highways" and before the word "boroughs" the words "or continuations thereof in" and inserting in lieu thereof the words: "in townships or"

Amend the seventh line of the title by inserting after the word "with" and before the word "boroughs" the word: "townships"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL TAKEN FROM TABLE

Mr. NAGEL. Mr. Speaker, I move that House Bill No. 2380, Printer's No. 774, which was recalled from the Governor and laid upon the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. NAGEL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. NAGEL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. NAGEL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 1, page 1, line 11 by striking out after the word "pledge" and before the word "hypothecate" the word "[to]" and inserting in lieu thereof the word "or"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is

there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 219.

An Act providing that the statute of limitations shall not be a defense against claims of poor districts for the maintenance and support of persons who are public charges including mental patients

HOUSE BILL No. 292.

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

HOUSE BILL No. 434.

An Act validating adoptions in courts of record of the Commonwealth

HOUSE BILL No. 1279.

An Act governing the payment of witness fees to Commonwealth witnesses in criminal proceedings and prohibiting duplicate payments

HOUSE BILL No. 1879.

An Act appropriating to the State Emergency Relief Board gifts or donations heretofore or hereafter made to the Commonwealth for unemployment relief

HOUSE BILL No. 2067.

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties"

HOUSE BILL No. 817.

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and providing further for retirements and the rights of retired persons

HOUSE BILL No. 666.

An Act appropriating the moneys in the State Forests and Waters Fund

HOUSE BILL No. 862.

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. MELCHIORRE. RESOLUTION No. 173.

In the House of Representatives, June 11, 1935.

Whereas, There has been much criticism directed against the State Board of Pharmacy to the effect that the board is no longer complying with the provisions of the law under which the board was created; and

Whereas, It is alleged that the board has repeatedly shown favoritism to certain persons and to the graduates of certain pharmaceutical schools; and

Whereas, It has been charged that the board permits certain privileged persons to meet a lower standard of qualifications than it does other persons; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint five members of this House whose duty it shall be to fully, fairly and impartially inquire into and investigate the practice of the State Board of Pharmacy, particularly as to the educational requirements; whether there exists any evidence of favoritism and whether the members of the board are properly qualified and are carrying out the duties imposed by law on said board.

Resolved, That the said committee shall make a report on its findings to the House of Representatives at its next session.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witness appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Education.

By MESSRS. TRONZO AND FITCH

RESOLUTION No. 174.

In the House of Representatives, June 12, 1935.

Resolved, That the Governor is hereby authorized to appoint a commission of nine persons whose duty it shall be to study and investigate the extent of illness and the conditions of the sick in this Commonwealth, the adequacy of the present methods of medical care, the present methods of meeting losses caused by illness, and to procure such other information as it may deem necessary for the purpose of recommending ways and means for better provision of medical care and the protection of wage-earners from sickness. The commission shall study the possibility of health insurance legislation and report upon the advisability of such a plan for the Commonwealth of Pennsylvania, including a proposed method of financing such plan. Every department and agency of the State Government shall furnish to the commission such information and assistance as the commission may request.

Resolved, That said commission shall organize by the selection of a chairman, vice-chairman and secretary. The members of the commission shall serve without compensation. The commission shall have all the powers of a legislative commission, and shall formulate such plans for its organization and work as may be deemed necessary.

Resolved, That said commission shall make a report of its findings and recommendations to the House of Representatives on or before the fifteenth day of February, one thousand nine hundred and thirty-seven.

Referred to the Committee on Public Health and Sanitation.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 562. (HOUSE BILL No. 2991).

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1024. (HOUSE BILL No. 2992)

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take trout from licensed propagating ponds used for commercial purposes

Referred to the Committee on Fisheries.

SENATE BILL No. 1028. (HOUSE BILL No. 2993).

An Act to amend Section 629 of the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of the Act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

Referred to the Committee on Insurance.

SENATE BILL No. 1027. (HOUSE BILL No. 2994).

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles.

Referred to the Committee on Insurance.

SENATE BILL No. 156. (HOUSE BILL No. 2995).

An Act making an appropriation to the Department of Military Affairs for the purchase of land and the construction and equipment of an armory and headquarters for Troop C One Hundred and Fourth Pennsylvania Cavalry.

Referred to the Committee on Appropriations.

SENATE BILL No. 224. (HOUSE BILL No. 2996).

An Act making an appropriation to the Mount Sinai Hospital of Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 284. (HOUSE BILL No. 2997).

An Act for the acquisition of property by the Commonwealth east of the Soldiers' and Sailors' Memorial Bridge in the City of Harrisburg and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 343. (HOUSE BILL No. 2998).

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons.

Referred to the Committee on Judiciary General.

SENATE BILL No. 366. (HOUSE BILL No. 2999).

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at The Dixmont Hospital Dixmont Allegheny County.

Referred to the Committee on Appropriations.

SENATE BILL No. 375. (HOUSE BILL No. 3000).

An Act making an appropriation to the Christian H. Buhl Hospital Sharon Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 639. (HOUSE BILL No. 3001).

An Act to amend section seventy-five of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" as amended to provide for the rendition by the jury of a separate verdict fixing the penalty of first degree murder cases and to regulate the admission of evidence bearing upon the question of the penalty to be imposed.

Referred to the Committee on Judiciary General.

SENATE BILL No. 732. (HOUSE BILL No. 3002).

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

Referred to the Committee on Forestry.

SENATE BILL No. 1147. (HOUSE BILL No. 3003).

An Act to amend sub-heading (a) of Article XXXII of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the collection of taxes by assumpsit.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1172. (HOUSE BILL No. 3004).

An Act making an appropriation to the Trustees of the University of Pennsylvania for the establishment of a Department of Nursing Education in the School of Education.

Referred to the Committee on Appropriations.

SENATE BILL No. 1392. (HOUSE BILL No. 3005).

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended qualifying additional securities as acceptable for the securing of State deposits.

Referred to the Committee on State Government.

SENATE BILL No. 1483. (HOUSE BILL No. 3006).

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

Referred to the Committee on Game.

SENATE BILL No. 1542. (HOUSE BILL No. 3007).

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1598. (HOUSE BILL No. 3008).

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available.

Referred to the Committee on Appropriations.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2959, as follows:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia

Whereas By a resolution adopted the second day of August one thousand nine hundred and thirty-two the House of Representatives of Pennsylvania constituted a committee to investigate the various poor districts of Philadelphia and

Whereas At the special session convened in the year one thousand nine hundred and thirty-three the sum of thirteen thousand seven hundred thirty-nine dollars and twenty cents ($13,739.20) was appropriated by the act approved the nineteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighty-eight) to the Secretary of the Senate for the payment of the bills incurred by said committee in its investigations which appropriation was approved by the Governor only in the sum of seven thousand dollars ($7,000) which proved insufficient to pay all of the outstanding bills incurred by said investigating committee therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand nine hundred ninety-nine dollars and sixty cents ($5,999.60) is hereby specifically appropriated to the Chief Clerk of the House of Representatives for the payment of unpaid expenses and bills incurred by the House Committee for certified public accounting service during the investigation of the poor districts of Philadelphia pursuant to the authority granted by House Resolution Serial Number fifty-eight adopted the second day of August one thousand nine hundred and thirty-two Payment from said appropriation shall be made on requisition of the Chief Clerk of the House of Representatives in the manner provided by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2687, as follows:

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof the Commonwealth of Pennsylvania and any county city town borough township school district poor district authority or any other agency or instrumentality thereof and said corporations for the acquisition of property in connection with public works projects

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that

Section 1 Short Title This act may be referred to as the "Public Works Eminent Domain Law"

Section 2 Finding and Declaration of Necessity (a) It is hereby declared that widespread unemployment exists throughout the Commonwealth making it impossible for many people in the Commonwealth to support themselves and their families that these conditions create a public emergency and constitute a menace to the health safety morals and welfare of the people of the Commonwealth that it is essential that public works projects financed in whole or in part by the United States of America or by the Commonwealth be commenced as soon as possible in order to reduce and relieve this unemployment and prevent irreparable injury to the people of the Commonwealth that to this end it is necessary to provide a method for the expeditious acquisition of any lands necessary for such public works projects that such public works projects are hereby declared to be in furtherance of the public welfare and to be public uses and purposes for which pub-

lic money may be spent and private property acquired and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination

(b) Without limitation upon the generality of the foregoing paragraph hereof it is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Commonwealth and that consequently many persons of low income are forced to reside therein that these conditions cause an increase in and spread of disease and crime constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth impair economic values and are not being and cannot within a reasonable time be corrected by the investment of private capital available for profit-making enterprises that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the provision of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired

Section 3 Definitions The following terms whenever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context

(a) "Public works project" shall mean any work or undertaking which is financed in whole or in part by a Federal agency as herein defined or by a State public body as herein defined

(b) "Federal agency" shall mean the United States of America the Federal Emergency Administration of Public Works or any other agency or instrumentality corporate or otherwise of the United States of America

(c) "State public body" shall mean this Commonwealth or any county city town borough township school district poor district authority or any other agency or instrumentality corporate or otherwise thereof

(d) "Authorized corporation" shall mean any corporation or association engaged or about to engage in any public works project as herein defined for a public use provided that the construction of such public works project and its conduct thereafter by the corporation or association shall be subject to regulation or supervision by a Federal agency as herein defined or a State public body as herein defined whether by virtue of an agreement provision of law or otherwise

(e) "Real property" or "property" or "land" shall include all lands including improvements and fixtures thereon lands under water all easements and hereditaments corporeal or incorporeal and every estate interest and right legal or equitable in lands or water and all rights interests privileges easements encumbrances and franchise relating to the same including terms for years and liens by way of judgment mortgage or otherwise

(f) "Court" shall mean the Court in which jurisdiction over procedings hereunder is vested by the provisions of Section four of this act

Section 4 Filing of Petition Jurisdiction of Court Entry upon Land by Petitioner Any Federal agency State public body or authorized corporation may institute proceedings hereunder for the acquisition of any real property necessary for any public works project

Such proceedings may be instituted in the court of common pleas in any county in which any part of the real property or of the proposed public works project is situate The court whether during a term or during a vacation shall cause such proceeding to be heard and determined without delay All condemnation procedings shall be preferred cases and shall be entitled to precedence over all other civil cases

The petitioner may enter upon the land proposed to be acquired for the purpose of making a survey and of posting any notice thereon which is required by this act provided that such survey and posting of notice shall be done in such manner as will cause the least possible inconvenience to the owners of the real property

Section 5 Form of Petition A proceeding may be instituted hereunder by the filing of a petition which shall be sufficient if it sets forth

(a) The name of the petitioner

(b) A description of the property sufficient for the identification thereof to which there may be attached a plat or map thereof

(c) A statement that the acquisition of such property by the petitioner is necessary for a public works project and a brief general description of said public works project

(d) A statement that the proceedings are being instituted under this Act

(e) A suitable prayer for relief

Section 6 Inclusion of Several Parcels Any number of parcels of land whether owned by the same or different persons and whether contiguous or not may be included and condemned in one proceding provided such parcels are to be used for a single public works project

Section 7 Notice of Proceedings Notice of such proceedings shall be given by one publication in a newspaper having a general circulation in each county in which any part of the property sought to be condemned is located Such publication shall be at least twenty days and not more than thirty days prior to the date set for the hearing on the validity of the proceedings Such notice shall be in substantially the following form (the blanks being appropriately filled)

To Whom It May Concern

Notice is hereby given that (here insert name of petitioner) has filed a petition in the above Court under the Public Works Eminent Domain Law to acquire by condemnation for (here give brief general description of the public works project for which the land is sought to be acquired) the following described land

(Here describe the land sufficiently for the identification thereof Such description may be by use of a plat or map)

Notice is further given that on (here insert date of hearing which must be at least twenty days and not more than thirty days after the date of publication) there will be a hearing in this Court at the opening thereof for (1) determining the validity of said proceedings and the right of the petitioner if it so elects to take title to and possession of such property prior to final judgment as authorized by Section sixteen of the Public Works Eminent Domain Law and any persons having any interest in or lien upon the above described property shall be deemed to have waived their rights thereafter to object to the Court's decision with respect to such issues unless prior to such state they shall have filed in writing with the Clerk of such Court their objections thereto (2) the appointment of a Special Master to determine the compensation to be awarded for such property and the persons entitled thereto (3) the fixing of the date and place at which said Special Master shall hear and determine the compensation to be paid for such property and the person entitled thereto

Notice is further given that all claims or demands for compensation because of the taking and condemnation of such property must be filled with the above Court before (here insert a date fifteen days after the date above specified for the Court hearing) or the same shall be deemed waived

Dated the day of A. D.

Clerk of said Court

Notice of such proceedings shall also be given (a) by posting a copy of the above notice in conspicuous places on the real property sought to be condemned (b) by filing a copy thereof in the office of the Clerk of the Court in which such proceedings are pending and (c) by filing a copy thereof in the proper office or offices for the filing of lis pendens in each county in which any part of the real property is situated

Such publication posting and filing shall constitute a legal and sufficient notice to all persons having any interest in or lien upon the property described in such notice The filing of such notice in the aforesaid county office shall also be a constructive notice of the proceeding to any person who subsequently acquires any interest in or lien upon such property and the petitioner shall take all property condemned under this Act free of the claims of any such person

Section 8 Determination of Issues Raised by the Objections Filed All persons who have not filed written objections with the Court prior to the time of the hearing specified in the notice prescribed by Section seven hereof shall be deemed to have waived the right to file objections as to the sufficiency and validity of the petition the pro-

ceedings and the relief sought thereby and as to the right of the petitioner to take title and possession prior to final judgment as authorized by Section sixteen of this act

The Court at the time specified in such notice after hearing and determining all issues of fact and law raised by the objections which have been filed if any there be shall enter a final judgment with respect to such issues and thereafter there shall remain for determination only the amount of the compensation to be paid and the persons entitled thereto

If any infant or other person under a legal disability shall not have appeared in the proceedings by his duly authorized legal representative the Court shall appoint a guardian ad litem to represent such person's interest in the proceedings before the Special Master

Section 9 Appointment of Special Master The Court at the time of said hearing shall appoint a Special Master to fix the amount of damages and compensation for the taking and condemnation of the property described in the petition and the persons entitled thereto and to report thereon to the Court The Special Master shall be a disinterested person not related to any one having an interest in or lien upon the property sought to be condemned The compensation of the Special Master shall not exceed fifteen dollars ($15.00) per day plus travel and subsistence expenses

The Special Master immediately after his appointment shall subscribe to an oath that to the best of his ability he will truly find and return the compensation for the taking and condemnation of the property and the persons entitled thereto

Section 10 Notice of Hearing by Special Master Immediately after his appointment and taking of oath the Special Master shall cause notice to be sent by registered mail to all persons who have appeared in the proceedings or to their attorneys of record and to all others having any interest in or lien upon the property sought to be condemned as shown by the record of the proper county office or offices for the recording of documents pertaining to such real estate and to all guardians ad litem appointed pursuant to the provisions of Section 8 hereof such notice to be addressed to such persons at their respective last known addresses Such notice shall be substantially in the following form (with the blanks appropriately filled)

In the ..... Court for the ..... of ....

To Whom It May Concern

Notice is hereby given that ..... (here insert name of petitioner) has filed a petition in the above Court under the Public Works Eminent Domain Law to acquire by condemnation for ..... (here give brief general description of the public works project for which the land is sought to be acquired) the following described land (here describe the land sufficiently for the identification thereof Such description may be by use of a plat or map) All persons having an interest in or lien upon the above described property for which compensation will be demanded are hereby notified that all claims or demands for compensation by reason of the taking and condemnation of such property shall be filed in writing with such Court before ..... (here insert date at least fifteen days after the date set for the Court hearing in the notice specified in Section seven hereof and shall be deemed waived unless so filed and that on ..... a hearing will be held by the Special Master at ..... (insert time and place fixed by the Court for such hearing in blanks) with respect to (1) the amount of compensation to be paid for the property sought to be condemned and (2) the persons entitled to such compensation

Dated ..... day of ..... A. D. ....

Special Master appointed by such Court

The Special Master shall also cause a copy of such notice to be posted in conspicuous places on the property sought to be condemned

After such notice by mailing and posting the Special Master on the date for hearing specified in the aforesaid notice shall proceed immediately to hear and determine the question of just compensation for the taking and condemnation of the property and the persons entitled to such compensation To this end the Special Master may issue subpoenas administer oaths to witnesses and receive evidence and cause the same to be recorded

Section 11 Evidence Admissible before Special Master For the purpose of determining the value of the land sought to be condemned and fixing just compensation therefore the following evidence (in addition to other evidence which is relevant material and competent) shall be relevant material and competent and shall be admitted and considered by the Special Master

(a) Evidence that a building or improvement is unsafe or unsanitary or a public nuisance or is in a state of disrepair and of the cost to correct any such condition notwithstanding that no action has been taken by local authorities to remedy any such condition

(b) Evidence that any State public body charged with the duty of abating or requiring the correction of nuicances or like conditions or demolishing unsafe or unsanitary structures issued an order directing the abatement or correction of any conditions existing with respect to such building or improvement or the demolition of such building or improvement and of the cost which compliance with any such order would entail

(c) Evidence of the last assessed valuation of the property for purposes of taxation and of any affidavits or tax returns made by the owner in connection with such assessment which state the value of such property and of any income tax returns of the owner showing sums deducted on account of obsolescence or depreciation of such property

(d) Evidence that such buildings and improvements are being used for illegal purposes or are being so overcrowded as to be dangerous or injurious to the health safety morals or welfare of the occupants thereof and the extent to which the rentals therefrom are enhanced by reason of such use

(e) Evidence of the price and other terms upon any sale or the rent reserved and other terms of any lease or tenancy relating to such property or to any similar property in the vicinity when the sale or leasing occurred or the tenancy existed within a reasonable time of the hearing

The award of compensation shall not be increased by reason of any increase in the value of the property resulting from the public works project to be placed thereon

No allowance shall be made for improvements begun on property after the publication of the notice specified in Section seven hereof except upon good cause being shown

Section 12 Report of Master The report of the Special Master shall be filed with the clerk of the Court in which such proceeding is pending within thirty days after the date of the taking of the oath unless further time is granted by the Court The Court shall grant additional time for the filing of the report only on a showing that the report cannot with all due diligence be prepared within the time fixed

Section 13 Notice of Report Upon the filing of such report by the Special Master the Court without delay shall fix a date for the hearing of any objections filed thereto Notice that such report has been filed that all objections thereto must be filed with the Court within ten days after the date of the mailing of such notice and that the Court has fixed a certain date (which shall be stated therein) for the hearing of such objections shall be given by sending a copy of such notice by registered mail to all persons who have appeared in the proceeding or their attorneys of record at their last known addresses Upon the expiration of ten days after the mailing of such notice all objections to the report shall be deemed waived by all persons who have not filed written objections with the Court

Section 14 Hearing of Objections by the Court If no objections are filed to the Special Master's report the Court (but only on motion of the petitioners unless title to the property has vested in the petitioner) shall enter a final judgment fixing the compensation to be paid for the property and the persons entitled to such compensation If any objections are filed to the Special Master's report the Court on the date specified in the aforesaid order shall hear and determine such questions of law and fact as are raised by such exceptions and may approve disapprove or modify

the Special Master's findings or may reject the Special Master's report in toto In the event the Special Master's report is rejected in toto the Court shall at once appoint another Special Master in the same manner that the first Special Master was appointed and such Special Master shall have the same powers and duties as the Special Master first appointed except that notice of the time for filing claims and of the hearing of the Special Master may be given by registered mail to all persons who have appeared in the proceedings or their attorneys of record at their last known addresses and no other notice shall be necessary If the Court shall approve the Special Master's report with or without modifications the Court (but only on motion of the petitioner unless title to the property has previously vested in the petitioner) shall enter a final judgment fixing the compensation to be paid for such property and the persons entitled to such compensation

If title to such property has not previously been vested in the petitioner the title and right to possession of such property shall vest in the petitioner immediately upon the entry of such final judgment and upon the deposit in Court by the petitioner of the amount of the judgment fixed by the Court as the compensation for such property Upon the entry of such judgment and the vesting of title aforesaid the Court shall designate the day (not exceeding thirty days thereafter except upon good cause shown) on which the parties in possession of such property shall be required to surrender possession to the petitioner

Section 15 Certified Copy of Judgment Upon the rendition of the final judgment vesting title in the petitioner the clerk of the Court shall make and certify under the seal of the Court a copy or copies of such judgment which shall be filed or recorded in the proper county office or offices for the recording of documents pertaining to the real property described therein and such filing or recording shall constitute notice to all persons of the contents thereof A copy of the judgment certified by the clerk of the Court as aforesaid shall be competent and admissible evidence in any proceedings at law or in equity

Section 16 Appeals from Reports of Special Masters for Jury Trial (a) Within thirty days after the report of a Special Master is filed in court any party whose property is taken injured or destroyed or who is assessed benefits may appeal to the court of common pleas and demand a trial by jury Where an appeal is so taken as to a portion of the report the portion not appealed from shall be confirmed absolutely at the expiration of thirty days after the report is filed in Court

(b) Every such appeal shall state the grounds upon which it is taken and shall be signed by the appellant or by his agent or attorney and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that injustice has been done

(c) Upon the trial of any such appeal in case the party appellant does not obtain a verdict more favorable than was the report of the Special Master as finally confirmed the appellant shall not recover any costs

(d) The court of common pleas shall order what notices shall be given in connection with such proceedings and may by rule or otherwise prescribe the form of pleadings After verdict and final judgment either party may within three months appeal to the Superior or Supreme Court

Section 17 Declaration of Taking At any time at or after the filing of the petition referred to in Section five hereof and before the entry of final judgment the petitioner may file with the clerk of the Court a declaration of taking signed by the duly authorized officer or agent of the petitioner declaring that all or any part of the property described in said petition is to be taken for the use of the petitioner

Such declaration of taking shall be sufficient if it sets forth (1) a description of the property sufficient for the identification thereof to which there may be attached a plat or map thereof (2) a statement of the estate or interest in the property being taken and (3) a statement of the sum of money estimated by the petitioner to be just compensation for the property taken

Upon the filing of such declaration of taking and the deposit in Court to the use of the persons entitled thereto of the amount of the estimated compensation stated in the declaration title to the property specified in the declaration shall vest in the petitioner and such property shall be deemed to be condemned and taken for the use of the petitioner and the right to just compensation for the same shall vest in the persons entitled thereto Upon the filing of the declaration of taking the Court shall designate a day (not exceeding thirty days after such filing except upon good cause shown) on which the parties in possession shall be required to surrender possession to the petitioner In the event that the petitioner is an authorized corporation the Court prior to directing surrender of possession to the petitioner shall require such security to be given in addition to the amount deposited in Court as will reasonably assure the payment of any amount ultimately determined as the compensation to be paid

The ultimate amount of compensation shall be fixed in the manner heretofore specified If the amount so fixed shall exceed the amount so deposited in Court by the petitioner the Court shall enter judgment against the petitioner in the amount of such deficiency together with interest at the rate of six per centum per annum on such deficiency from the date of the vesting of title to the date of the entry of the final judgment (subject however to abatement for use income rents or profits derived from such property by the owner thereof subsequent to the vesting of title in the petitioner) and the Court shall order the petitioner to deposit the amount of such deficiency in Court

Section 18 Right to Dismiss At any time prior to the vesting of title to the property in the petitioner the petitioner may withdraw or dismiss its petition with respect to any or all of the property therein described

Section 19 Divesting Title of Owner Upon vesting of title to any property in the petitioner all the right title and interest of all persons having any interest therein or lien thereupon shall be divested immediately and such persons thereafter shall be entitled only to receive compensation for such property

Section 20. Payment of Award into Court and Disbursement Thereof The payment into Court by the petitioner of the amount of any award or the deposit in Court of the amount estimated by the petitioner to be the just compensation for the property taken or condemned shall be deemed to be a payment or deposit of money for the use of the persons entitled thereto Such payment or deposit shall constitute a payment to the persons entitled thereto to the extent of the moneys so paid or deposited into Court

Any such payment shall be as valid and effectual in all respects as if it were made by the petitioner directly to the person entitled thereto or in the case of a person under legal disability to his guardian whether or not (a) such person or his whereabouts is known or unknown (b) such person is under a legal disability or (c) there are adverse or conflicting claims to such awards

The money paid into Court shall be secured in such manner as may be directed by the Court and shall be paid out by the Special Master to the persons found to be entitled thereto by the final judgment of the Court

Section 21 Recovery of Award If an award shall be paid to a person not entitled thereto the sole recourse of the person to whom it should have been paid shall be against the person to whom it shall have been paid In such event the person entitled to the award may sue for and recover the same with lawful interest and costs of suit as such money had and received to his use by the person to whom the same shall have been paid

Section 22 Appeal Any time within three months from the filing of any interlocutory or final order or judgment by the Court any person or persons of record in the proceedings who shall have filed exceptions at any stage of the proceedings within the time and in the manner specified may appeal therefrom to the Superior or the Supreme Court as the case may be but only with respect to those questions or issues which were raised by such exceptions

The taking of an appeal shall not operate to stay the proceedings under this act except when the person or persons appealing shall have obtained a stay of the execution of the judgment or order appealed from in which event the proceedings shall be stayed only with respect to the person or persons appealing and their respective interests in the proceedings Upon the taking of an appeal the proceedings shall be deemed severed as to the person or per-

sons appealing and their respective interests in the proceeding

Any interlocutory or final order or judgment shall be final and conclusive upon all persons affected thereby who have not appealed within the time herein prescribed

Any petitioner other than an authorized corporation may appeal without giving bond but any other person or persons appealing shall give bond with good and sufficient surety to be approved by the Court conditioned to pay all costs taxed against appellant on such appeal

Section 23 Costs If the petitioner prior to the making of the award shall have tendered to an interested person for his property or deposited in Court for such property an amount which such interested person refused to accept or agree to as just compensation all costs shall be assessed against such person in the event that the aforesaid amount tendered or deposited is equal to or in excess of the award fixed or confirmed by the Court with respect to such parcel

Section 24 Powers Supplemental The powers conferred by this act shall be in addition and supplemental to and not in substitution for the power conferred by any other law The power of eminent domain may be exercised hereunder notwithstanding that any other law may provide for the exercise of said power for like purposes and without regard to the requirements restrictions or procedural provisions contained in any other law

Procedure hereunder which is not prescribed herein shall be that which is otherwise prescribed by the laws of the Commonwealth

Section 25 Separability If any provision of this act or the application of such provision to any person or circumstances shall be held invalid the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby

Section 26 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2960, entitled:

An Act relating to business restricting hours of labor and in certain cases limiting the number of employes and regulating rates and payment of wages defining the rights of employes to bargain collectively with employers prohibiting certain unfair trade practices creating a Board of Industrial Appeals and defining its powers and duties in relation to the administration and enforcement of this act conferring powers and imposing duties on the Department of Labor and Industry and courts of common pleas allowing appeals and providing penalties

Whereas Conditions of widespread unemployment prevailing in this Commonwealth and disorganization of industry tend to undermine the standard of living impair the health of citizens and threaten this and the coming generations through continued unemployment undernourishment inadequate shelter and insufficient care and otherwise adversely affect the welfare of citizens therefore it is declared that such conditions render imperative the exercise by the General Assembly of the police power to remedy the evils and protect the public welfare

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That "Establishment" and "Week" Defined The word "establishment" as used in this act shall be construed to include every mill factory manufacturing or business establishment where work is done for compensation to whomever payable

The word "week" as used in this act shall mean any consecutive seven days

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 2, Line 7, by striking out after the partial word "lishment" at the beginning of the line, the remainder of the line and all of line 8 and insert in lieu thereof the following: "or any place within this Commonwealth where work is done for compensation of any kind to whomever payable provided that this Act shall not apply to persons employed on the farm or in domestic service in private homes."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Maximum Hours Except as in this section or this act otherwise permitted no person shall be employed or permitted to work in about or in connection with any establishment for more than eight (8) hours in any twenty-four (24) hour period or for more than forty-eight (48) hours in any one week This section shall not be construed to apply to

(a) Employes in establishments employing not more than two persons in political subdivisions of this Commonwealth having a population of less than two thousand five hundred as ascertained by the last preceding decennial census of the United States which subdivision is not a part of a larger trade area The Board of Industrial Appeals shall have power to determine whether a political subdivision is part of a larger trade area

(b) Employes engaged in professional executive and supervisory work In case of dispute the Board of Industrial Appeals shall determine in the first instance whether an employment comes within the grades of occupations enumerated in this clause

(c) Watchmen and guards Provided however That watchmen and guards shall not be employed or permitted to work more than ten (10) hours in any twenty-four (24) hours nor more than six days in any one week

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, Page 3, Line 12, by striking out after the word "of" the following word and figures "thirty (30)" and insert in lieu thereof the following: "forty (40)"

Amend Section 2, Paragraph (b), Page 3, Line 22, by striking out after the word "than" the words and figures "twenty-five (25)," and insert in lieu thereof the following: "thirty (30)"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows

Section 3 Minimum Wage No person employed in about or in connection with any establishment shall be paid less wages than a rate of thirty (30) cents per hour but this provision shall not be construed to apply to

(a) Office boys and office girls but such employes shall be paid at a rate of not less than twenty four (24) cents an hour The number of office boys and office girls shall not exceed five per centum (5%) of the total number of office employes but each employer shall be allowed at least one office boy or office girl

(b) Watchmen or guards but such employes shall be paid at a rate of not less than twenty-five (25) cents per hour

(c) Persons handicapped by age infirmity or mental or physical condition if a certificate has been first issued by the Board of Industrial Appeals authorizing the employment of such person on light work at such wages as shall be stated in the certificate

(d) Learners but such employes shall be paid a rate not less than twenty-four (24) cents an hour or if compensated on a piece work rate at not less than the employer's standard piece rate for the occupation in which the learner is engaged No more than one learner shall be employed for every five employes

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend House Bill No. 2960 by striking out Section Three.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the eighth sections inclusive were separately read and agreed to as follows

Section 4 Payment of Wages (a) Except as otherwise provided in this act all wages earned by any person employed shall become due and payable at least twice during each calendar month on days to be designated by the employer as regular pay days Services rendered between the first and fifteenth days inclusive of any calendar month shall be paid for on or before the twenty-sixth day of the month during which the services were rendered and all services rendered after the fifteenth day and including the last day of a month shall be paid for on or before the tenth day of the following month

(b) No employer shall make any deductions from wages for charges or fines except such as are voluntarily consented to by an employe or such as are authorized by law No employer and no servant or agent of any employer shall accept or demand directly or indirectly any rebate on the wages of any employe

(c) All wages shall be payable in cash or negotiable check payable on demand at par and payment by check shall only be lawful where facilities are or are made available for cashing such checks

Section 5 Collective Bargaining Employes shall have the right to organize and bargain collectively through representatives of their own choosing and shall at all times be free from the interference restraint or coercion of the employer or his agents in the designation of such representatives or in self organization or in other concerted lawful activities for the purpose of collective barbaining or other mutual aid or protection

Section 6 Unfair Trade Practices (a) No person son operating an establishment shall use make publish or disseminate any advertising whether printed or by radio which is inaccurate untrue deceptive or misleading in any material respect or which misrepresents the product or services of the manufacturer or the merchandise or services of the business establishment

(b) No establishment shall secretely or otherwise give or offer to give any rebate refund allowance premium free goods unearned discount commission special service or other valuable consideration which discriminates between customers of the same class But this provision shall not be construed to prohibit free and general distribution of articles of nominal value commonly used for advertising purposes

(c) No establishment shall sell any product merchandise or service below cost

Section 7 Board of Industrial Appeals Created There is hereby created a Board of Industrial Appeals (hereinafter called the board) which shall be a departmental administrative board in the Department of Labor and Industry The board shall be composed of three members who shall be appointed by the Governor by and with the advice and consent of the Senate Each member at the time of his appointment shall be a resident of the Commonwealth and shall have been a qualified elector therein for a period of at least five years next preceding his appointment and shall at the time of his appointment be not less than thirty years of age Members of the board shall be appointed for terms of three years each and until their successors are respectively appointed and have qualified

Each member shall receive an annual salary of five thousand dollars ($5,000)

No member of the board shall during his term hold any other office or position of profit or trust under this Commonwealth

Two members of the board shall constitute a quorum and every action or order of the board shall be approved by at least two members thereof

The board shall have and exercise all the powers and perform all the duties generally vested in and imposed upon departmental administrative boards and commissions by the Administrative Code

Section 8 Secretary and Employes The board shall appoint a secretary who shall keep complete and accurate records of the minutes of all meetings of the board and attest the same preserve and file all testimony given before the board and record and attest all decisions rendered by the board The secretary shall receive such annual salary as may be fixed by the Secretary of Labor and Industry

The Department of Labor and Industry shall in accordance with the Administrative Code employ and assign such employes to the board as may be deemed necessary and fix their compensation in accordance with the standards of the executive board

The ninth section was read as follows

Section 9 Hearings on Petition Complaints Orders Whenever the owner or operator of any establishment shall allege by petition to the board that the provisions of this act relating to maximum hours and minimum wages or to the payment of wages impose an unusual or undue hardship on any establishment or any group of establishments and praying for relief the board shall have power after public notice and hearing to grant by its order an exception from said provisions or make a modification of such provisions as they apply to such establishment or group of establishments Provided however That the maximum hours provided for in this act shall not be increased more than six hours in any one week

In the case of "service employes" who receive gratuities from the public the board may after notice and hearing determine the credits if any to be allowed on account of the minimum wages prescribed by this act

The board shall also have power to hear and determine complaints of persons copartnerships associations and corporations who allege injury by others on account of evasions of the provisions of this act and through unfair trade practices and shall also have power to hear and determine complaints filed by the Department of Labor and Industry

The board after hearing any matter under this or any other section of this act shall determine the relative facts concerning any matter at issue whether any violation of this act or the rules and regulations of the board has oc-

curred and the extent thereof and shall issue its order to the person copartnership association or corporation to cease such violation of this act or such rules and regulations

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 9, Page 8, Line 2, by striking out after the word "the" the word "relative," and insert in lieu thereof the word "relevant"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth to the seventeenth sections inclusive and the title were separately read and agreed to as follows

Section 10 Rules and Regulations The board shall have power after public hearing to adopt promulgate and enforce such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the provisions of this act Such rules and regulations shall provide inter alia the necessary procedure for hearing petitions and complaints including notice to all interested parties and affording such parties an opportunity to be heard and providing for the service of orders of the board

Section 11 Administration of Oaths Subpoenas Each member of the board and the secretary shall have power to administer oaths to any person testifying before the board The board shall have power to issue subpoenas requiring the attendance of witnesses and the production of books records papers and documents pertaining to any matter being heard by the board Such subpoenas shall be signed by the chairman of the board and attested by the secretary

In case any person shall refuse to comply with any subpoena issued by the board or shall appear and refuse to testify to any matter concerning which he may be lawfully interrogated the board may apply to the Court of Common Pleas of Dauphin County for a subpoena Thereupon the court shall issue its subpoena to such person commanding him or her to appear before the court on a day and at a time and place fixed and to produce such books records papers and documents as may be required and there to testify concerning the matter being inquired into Any person refusing to comply with the subpoena issued by the court shall be held for contempt of court

Section 12 Applications for Injunctions If any person copartnership association or corporation to whom an order of the board has been issued as herein provided refuses to comply with such order and continues to violate this act or the rules and regulations of the board or if any such person copartnership association or corporation shall otherwise violate the provisions of this act the board may apply by bill in equity to the court of common pleas of the county in which such violation occurs to enjoin and restrain such violation of this act or the rules and regulations of the board In any such proceeding the board shall be represented by the Department of Justice

Where any such application is made after a finding by the board that such a violation does exist the court may grant a preliminary injunction

The board shall not be required to file bond in any such proceeding

Section 13 Appeals From Actions of Board Any person copartnership association or corporation aggrieved by any order action rule or regulation of the board may within thirty days after notice of such order or action or at any time in respect to any rule or regulation appeal to the Court of Common Pleas of Dauphin County Such appeal shall be by petition a copy of which shall be filed with the board prior to its presentation to court Upon the filing of such petition with proof of service on the board the court shall fix a day and time for hearing of which notice shall be given to all parties interested as the court may direct The board shall at least five days prior to such hearing file a copy of the record of the proceedings in its possession if any in the office of the prothonotary

The court shall have power to hear any such appeal de novo and after hearing and argument shall have power to sustain modify or reverse the action of the board as to it appears just and proper and shall enter its order accordingly The action of the court shall be final

Section 14 Penalty Any person corporation copartnership or association or any officer agent manager or servant of any person corporation copartnership association who shall violate any of the provisions of this act or any rule or regulation of the board or shall hinder interfere with or delay any officer or agent of this Commonwealth in the performance of his duties in the enforcement of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or to undergo imprisonment for not more than thirty days or both at the discretion of the court

Section 15 Severability The provisions of this act are severable and if any provision hereof is held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been conained therein

Section 16 Existing Laws Saved This act shall not be construed to repeal or impair the provisions of any other law of this Commonwealth but shall be construed as supplemental to existing laws of this Commonwealth but if any provision of this act is found to be inconsistent with any provision of existing law then such provision of existing law shall be deemed suspended so long as this act remains in effect

Section 17 Effective Date The provisions of this act shall become effective immediately upon its final enactment

An Act relating to business restricting hours of labor and in certain cases limiting the number of employes and regulating rates and payment of wages defining the rights of employes to bargain collectively with employers prohibiting certain unfair trade practices creating a Board of Industrial Appeals and defining its powers and duties in relation to the administration and enforcement of this act conferring powers and imposing duties on the Department of Labor and Industry and courts of common pleas allowing appeals and providing penalties

Whereas conditions of widespread unemployment prevailing in this Commonwealth and disorganization of industry tend to undermine the standards of living impair the health of citizens and threaten this and the coming generations through continued unemployment undernourishment inadequate shelter and insufficient care and otherwise adversely affect the welfare of citizens therefore it is declared that such conditions render imperative the exercise by the General Assembly of the police power to remedy the evils and protect the public welfare

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2389, as follows:

A Supplement to an act approved the twelfth day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation

across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the powers to finance projects by the issuance of revenue bonds transferring to the new commission all the power to finance projects by the issuance of mission and making an appropriation" authorizing the Delaware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey to operate cars and trains over facilities owned and leased by it and by others to make agreements for the operation of cars and trains owned by it and by others and to apply for and accept certain privileges and grants from Federal and State agencies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the power or authority heretofore conferred upon the Delaware River Joint Commission and to the end that there may be actual physical contact and connection between the transportation owned by said commission and the rail and transportation facilities owned leased or operated by others the said commission shall have the power or authority to extend its transportation facilities either over upon or under the surface of the city of Camden New Jersey from the vicinity of Haddon Avenue and Carman Street to such other point or points as the Board of Public Utility Commissioners of the State of New Jersey may approve

Section 2 The Delaware River Joint Commission shall have the right authority and power to further extend its transportation facilities to such point or points in the counties of Camden Gloucester Salem Cumberland Cape May Atlantic Ocean and Burlington as the Board of Public Utility Commissioners of the State of New Jersey may approve

Section 3 The Delaware River Joint Commission shall have the right authority and power to operate cars and trains over the facilities owned or leased by it or upon facilities owned or leased by others or to lease the right of operation and to enter into agreements with others for the operation of cars or trains over such facilities

Section 4 The Delaware River Joint Commission shall have the right and power to enter into contracts agreements and leases with other transportation companies for the operation of cars or trains owned by said commission over the transportation facilities owned leased or operated by other transportation companies

Section 5 The Delaware River Joint Commission shall have the power or authority to extend its transportation facilities either over upon or under the surface in the city of Philadelphia Pennsylvania from the vicinity of Eighth and Race Streets to such other point or points in the city of Philadelphia as said city may deem expedient and proper in the interests of the traveling public and as the Public Service Commission of Pennsylvania may approve

Section 6 The Delaware River Joint Commission shall have the power and authority to apply for and accept privileges and grants from boards bodies or agencies Federal or State or both to carry out the foregoing

Section 7 The said agreement entered into by the State of New Jersey and the Commonwealth of Pennsylvania dated July first one thousand nine hundred and thirty-one is hereby altered changed and amended in accordance with the foregoing but in all other respects to remain unchanged

Section 8 The exercise of these powers or authority by the Delaware River Joint Commission shall be the carrying out and the fulfillment of an essential governmental function

Section 9 This act shall take effect immediately upon the adoption of similar reciprocal legislation by the State of New Jersey or immediately upon its final enactment if before that time the State of New Jersey shall have adopted such similar reciprocal legislation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 590, as follows:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough providing the procedure therefor and terminating the terms of the officers of such city when the borough government is organized

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a city of the third class may surrender its charter and be constituted a borough in the manner hereinafter provided

Section 2 The council of any such city of the third class on its own motion may or within fifteen days after the receipt of a petition signed by electors at least equal to twenty-five per centum of the highest total vote cast for a candidate for office in such city at the last preceding election general or municipal shall pass a resolution and record it upon its minutes submitting the question of whether such city shall surrender its charter and be constituted a borough to the qualified electors of such city

Section 3 Such question shall be submitted to the electors at the next general or municipal election occuring at least sixty days after the passage of such resolution Notice of said resolution shall be given by publication in at least two newspapers published in the county and circulated in said city once a week for three consecutive weeks immediately prior to the election at which the question is to be submitted that such an election will be held

Section 4 The council shall certify such resolution to the county commissioners of the proper county who shall thereupon cause the question to be printed at the foot of the official ballot to be used at any general or municipal election in said city in the following form

Do you favor the surrender of the charter of the city of ..... and the government of said municipality under the general laws relating to boroughs	Yes	
	No	

The electors shall designate with a cross-mark (X) in the appropriate square their desire to vote for or against such surrender

Section 5 It shall be the duty of the election officers within the city to receive the ballot so marked and to count the vote cast for and against a surrender of the ctiy charter and make return thereof to the prothonotary who shall lay the same before the return board The return board shall compute the return and certify the result of the election to the corporate authorities of the city and a duplicate return to the Secretary of the Commonwealth each duly certified in the manner required by law

Section 6 In receiving counting and making return of the vote cast inspectors judges and clerks of the said election shall be governed by the laws of the Commonwealth regulating general elections and all the electors inspectors judges and clerks voting at or in attendance upon the election to be held under the provisions of this act shall be subject to the penalties imposed by the election laws of this Commonwealth

Section 7 Whenever by the returns of the election in any city of the third class as aforesaid it shall appear that a majority of the vote cast is against the surrender of the city charter no further proceedings shall be had and it shall not be lawful to hold another election upon that question in such city for a period of five years thereafter If it shall appear by the said returns that a majority of the vote cast is in favor of surrendering the city charter the Governor shall issue letters patent under the great seal of the Commonwealth reciting the facts constituting the same a body corporate and politic by the name of the borough of.....the boundaries of which shall

be the same as those of the former city The letters patent issued as aforesaid shall be immediately recorded in the office of the recorder of deeds for the proper county at the expense of the municipality

Section 8 At the first municipal election occurring after the issuing of letters patent there shall be chosen the borough officers provided for by the general laws relating to boroughs who shall begin their term from the first Monday of January of the year next succeeding

Council shall consist of two members from each ward unless such number shall be subsequently changed as provided by law to be elected by the qualified electors thereof At the first election one councilman shall be elected in each ward for a term of four years and one for a term of two years and thereafter at each municipal election one councilman shall be elected in each ward for a term of four years The three auditors shall be elected one for six years one for four years and one for two years and at each municipal election thereafter one auditor shall be elected for a term of six years All other officers shall be elected for long or short terms so as to coincide with the terms as fixed by the general borough laws Until otherwise changed the wards of the city shall continue in limits as the wards of the borough

Section 9 All property and estates whatsoever real personal and mixed of the city are hereby upon the organization of the borough government severally and respectively vested in the corporation or body politic of said borough and for the use and benefit of the citizens thereof forever

All suits prosecutions debts and claims whatsoever shall upon the organization of the borough government be transferred to said borough In all suits by or against the city pending at the time of the organization of the borough government under this act the borough shall be substituted as a party and the suit shall be under the management and control of such borough as fully and completely as if no alteration had been made in said charter All claims and demands of whatever nature whether payable presently or in the future existing against the said city when the borough government shall be organized shall be recoverable from or against the borough

Section 10 A borough constituted and created under the provisions of this act shall have the same powers and be governed by the same laws as a borough incorporated and formed under general law

Section 11 The charter of the city shall continue in full force and operation and all officers under the same shall hold their respective offices until the first Monday of January following the municipal election next succeeding the issuing of letters patent to the said borough at which time the officers of said borough chosen as hereinbefore provided shall enter upon their respective terms of service the borough government shall be duly organized under this act and the terms of all officers of the city government shall cease and terminate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1755, as follows:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any group of thirty or more individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or convenience which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse and which shall not derive more than half of its gross receipts from sales of alcoholic beverages

"Corporation" shall mean a corporation or joint stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accommodating at least forty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures which contain more than one-half of one per cent of alcohol by volume except alcohol and malt liquors

"Malt Liquor" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or

receptacle or receptacles used for holding liquor as marketed by the manufacturer

"Person" every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing meals for the public the place to have an area within a building of not less than five hundred square feet equipped with tables and chairs accommodating at least fifty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto

"Sale" or "Sell" shall include any transfer of liquor for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests patrons or members and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members

Liquor may be sold by licensees other than clubs only after seven o'clock antemeridian of any weekday and until two antemeridian of the following week day and shall not be sold by licensees other than clubs on Sunday or on any day on which a general municipal special or primary election is being held

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 2 This act shall be effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1867, as follows:

An Act relating to bowling on Sunday prohibiting bowling on Sunday during certain hours and also during certain other hours unless the electors of a municipality are in favor of the same and in certain cases a license has first been secured from the municipal authorities providing for referendums to ascertain the will of the electors and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town and township of this Commonwealth

Section 2 Penalty for Unlawful Bowling on Sunday It shall be unlawful for any person copartnership association or corporation to conduct permit stage or engage in bowling or bowling matches regardless whether a charge or admission thereto is made or whether labor or business is necessary to conduct manage stage or operate the same on the first day of the week commonly called Sunday before the hour of two o'clock post meridian

It shall be unlawful for any person copartnership association or corporation to conduct permit stage or engage in bowling or bowling matches regardless whether a charge or an admission thereto or incidental thereto is made or whether labor or business is necessary to conduct manage stage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters in the municipality have first voted in favor of bowling on Sunday as hereinafter provided and unless the person copartnership association or corporation proposing to permit conduct or stage any such bowling or bowling matches to which an admission charge is made or is incidental shall have first have secured from the proper municipal authority of the municipality a license authorizing him her or it to conduct or stage such bowling or bowling match after said hour on Sunday

Any person copartnership association or corporation violating any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding ten dollars ($10) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any copartnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than five days

Section 3 Ordinances and Resolutions License Fees If at the election in the year one thousand nine hundred and thirty-five as hereinafter provided a majority of the electors in any municipality voting at said election vote in favor of bowling or bowling matches on Sunday after the hour of two o'clock post meridian then each municipality other than a township of the second class shall by ordinance and each township of the second class shall by resolution of the township supervisors provide for the licensing of bowling or bowling matches to which an admission fee is charged or is incidental on Sunday after the hour of two o'clock post meridian If the vote of the electors in the municipality was not in favor of bowling or bowling matches then no ordinance or resolution providing for the licensing of bowling or bowling matches shall be enacted or adopted

The license fees to be charged under any such ordinance or resolution for any bowling or bowling match to which an admission is charged or is incidental shall not exceed two dollars

All license fees collected under the provisions of any such ordinance or resolution shall be paid into the treasury of the municipality

Section 4 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each municipality in this Commonwealth with respect to bowling or bowling matches on Sunday Such question shall be in the following form

Do you favor the conduct staging and conducting of bowling or bowling matches regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage or operate the same after the hour of two post meridian on Sunday	Yes	✓
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 5 Returns and Computation of Votes The votes

cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the legislative body of each municipality within the county

Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 6 Future Referendums In any municipality the will of the electors with respect to bowling or bowling matches on Sunday may after the year one thousand nine hundred and thirty-five but not oftener than once in three years be ascertained and the question as provided in this act shall be submitted to the electors of any municipality upon demand in writing of petitioners equal to at least five per centum of the highest vote cast for any office in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty days before the day of any general or municipal election at which the question is to be submitted and if the petition is sufficiently signed shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five

If a majority of the electors voting in any municipality which licenses bowling or bowling matches to which an admission charge is made or is incidental are not in favor of such licensing then the ordinance or resolution licensing such bowling or bowling matches shall be repealed but if a majority of the electors in any such municipality which does not license bowling or bowling matches are in favor of such licensing then an ordinance or resolution shall be enacted or adopted licensing bowling or bowling matches to which an admission charge is made or is incidental as provided in this act

Section 7 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipaliy with respect to bowling or bowling matches on Sunday after the hour of two o'clock post meridian may be ascertained and it shall be the duty of the legislative body of each municipality to enact adopt or repeal any ordinance or resolution in accordance with the will of the electors as ascertained at said elections In case of a failure so to do the duty herein imposed upon the legislative body of any municipality may be enforced by mandamus

Section 8 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed in so far as it prohibits bowling and bowling matches on Sunday

Section 9 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 10 Effective Date This act shall be effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. MOORE. Mr. Speaker, I move that the time on House Bill No. 2709, Printer's No. 1053, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

on page 47 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILLS DROPPED FROM POSTPONED CALENDAR

The SPEAKER. The Chair wishes to announce that all bills on the postponed calendars on which an extension of time has not been granted will be dropped from the calendar where they have exceeded the time limit. They will not be on the calendar after tonight.

BILL ON THIRD READING

Mr. SIMPSON. Mr. Speaker, at the request of the sponsor I call up at this time House Bill No. 2779, Senate Bill No. 547, Printer's No. 463, on page 48 of todays calendar.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SIMPSON.

The House resumed the consideration on third reading of House Bill No. 2779 (Senate Bill No. 547), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,

Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reisipg,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RECONSIDERATION OF HOUSE BILL NO. 237

Mr. LINDERMAN. Mr. Speaker, I move that the vote by which House Bill No. 237, Printer's No. 1082, entitled:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto.

on page 29 of today's calendar, was defeated on third reading and final passage be reconsidered.

Mr. PHILLIPS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Schuylkill, Mr. Linderman, vote on the final passage of the bill.

Mr. LINDERMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lackawanna, Mr. Phillips, vote on the final passage of the bill?

Mr. PHILLIPS. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker, the object of reconsideration is to amend the bill to meet the objections of quite a number of members.

On the question, recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and eighty-nine members having voted in the affirmative and thirty-seven members in the negative, the question was determined in the affirmative and the motion was agreed to.

RECONSIDERATION OF VOTE

Mr. LONG. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. LONG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 5 of title, by inserting after the word "lotteries" the following: "in case the electors of this Commonwealth at a referendum vote in favor of such lotteries."

Amend Sec. 1, page 3, line 3, by inserting after the word "assistance" the following: "No such lottery shall, however, be conducted unless the electors of this Commonwealth vote in favor thereof in order to raise funds for old age assistance, as provided in this act."

Amend bill, page 9, by inserting after line 5 the following: "Section 21. No old age assistance committee shall be appointed under this act, and no lottery shall be conducted under the provisions of this act, unless, at the municipal election in the year, one thousand nine hundred and thirty-five, the electors of this Commonwealth shall vote in favor of conducting such lotteries for the purposes of providing funds for old age assistance. At said municipal election in the year, one thousand nine hundred and thirty-five, there shall be submitted to the electors of this Commonwealth the following question."

Do you favor the conducting of lotteries in this State for the purpose of providing funds for old age assistance?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county, and sufficient number of ballots shall be furnished to the election officers in each election district of each county, so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purpose.

Section 22. The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns and certify the result of the vote cast on the question to the Secretary of the Commonwealth, who shall compute the returns for the entire Commonwealth.

If by the returns it appears that the votes cast on such question in the entire Commonwealth shall be in favor of conducting lotteries for the purpose of providing funds for old age assistance, then the old age assistance relief committee provided for in sections one, two and three of this act shall be constituted as therein provided. But if it appears by the returns of said election that the voters of this Commonwealth voting at said election have voted against the conducting of lotteries to provide funds for old age assistance, then no such old age assistance relief committee shall be created.

Amend Sec. 21, page 9, line 6, by striking out the figure "21"" and inserting in lieu thereof: "23"

Amend Sec. 21, page 9, line 7, by inserting after the word "legal" the following: "if the electors of the Commonwealth have voted in favor of lotteries as in this act provided"

Amend Sec. 22, page 9, line 14, by striking out the figure "22" and inserting in lieu thereof: "24"

Amend Sec. 23, page 9, line 18, by striking out the figure "23" and inserting in lieu thereof: "25"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is

there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILL NO. 237 MADE SPECIAL ORDER

Mr. SOWERS. Mr. Speaker, I move that this bill be made a special order of business on final passage on Monday, June 17, 1935, at 10:00 p. m.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. AUKERMAN. Mr. Speaker, I desire to call up at this time House Bill No. 2413, Printer's No. 1155, on page 23, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. AUKERMAN.

The House resumed the consideration on final passage of House Bill No. 2413, entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation transmission and distribution of electric energy to carry out the purposes of this act providing for the rights powers and duties of the authority authorizing and regulating the issuance of bonds by the authority and providing for the payment of such bonds and the rights of the holders thereof

On the question recurring,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, as one of those who lives in a country district, who might be greatly benefited along with my neighbors and friends by a governmental effort to extend a transmission and distribution system of electric lines of this Commonwealth, I want to call the attention of this House to the fact that this bill called a rural electrification bill might as well bear the title "Rural Deception Bill," for the reason that while the title contains the word "rural" there is nothing in the bill that restricts the area or the nature of the electric business to which this corporation might devote its funds.

Let us first analyze the bill before us. As I have said there is nothing to restrict it to the rural sections. It purports to be a bill to help out the farmers. If it were a bill to help the farmers of Pennsylvania to gain the benefits of electricity, I would be friendly to the bill. However, this bill is nothing but the establishment of a gigantic governmentally owned and governmentally controlled power business in the state of Pennsylvania.

I would like to call attention to some of the features of the bill, which I consider very bad, whether contained in this bill or any other bill. There is a board of three men set up to run this corporation. Those three men are selected by the Governor; they are not selected by anyone else, either the investors or the consumers. No one has any right or authority to dismiss those persons.

On page six, line one, of the bill, I would like to have any members of the House who are interested in the matter turn to the bill for confirmation of my statements. On page six, line one, the opinion of the board is the only test of where electric service is available at reasonable rates. Reasonable rates are only supposed to yield a six per cent return at the present time on this property and yet this authority is to be financed entirely by the issuance of bonds, which bonds, you will find in the bill itself, may bear an interest rate of as high as six per cent.

I call your attention to the fact that on page three, lines sixteen and seventeen, establishing this corporation to exist perpetually at a time when general sentiment and most laws are in favor of limiting franchises of all kinds to a term of years. This bill will give that corporation perpetual rights not only in one place but throughout Pennsylvania. Other corporations must incorporate in all townships in which they do business. That has been the greatest handicap to the extension of the electric business. It is the reason why the little town in which I live at the present time does not have electric service, and yet we restrict, on the one hand, all companies financing themselves, but here we would enter into a proposal to put the Commonwealth in competition with them in a very unfair manner.

I call your attention to the fact that the generation of power is in the title of the bill and nowhere else, but do not be fooled that this is merely an extension of rural electric service, because this bill gives this authority the right to build generating plants as well as transmission lines anywhere in the Commonwealth.

These bonds, members of the House, I am sorry to say are a swindle, beside which the bonds issued by Public Utility Companies, which have not panned out very well, would be what might be called a mild deception. Neither the Commonwealth nor the Federal Government will in any way guarantee them. The bill specifically states that they shall not do so.

Let me call your attention to another defect. These bondholders who have financed this company have absolutely nothing to say as to how this company is to be run, what rates are to be charged, what becomes of the company's property.

Page ten, section fifteen, of the law says that no appropriations are to be required from the Commonwealth. Again the bills says that no revenue is to be earned for the Commonwealth. That is surely a hairline legislation.

Supposing this authority loses money then who must pay? Obviously the bondholders who are financing it and yet they are given no say about the control of the corporation, which is being run with their money.

Again, on page 9 line 3, these six per cent bonds may be issued for either money or property at public or private sale and the value as determined by this board of three appointed men is conclusive. If this does not open wide the gate for graft then no gate for graft ever was opened. Can you imagine setting up a corporation of this size under the control of three unpaid directors, the investors in which have nothing to say about its operation, the Commonwealth has covenanted to keep its hands off; they can bond this corporation and they can pay whatever they please for property at either public or private sale and the conclusions of that board are final?

On page 6, lines 25 to 28 this matter is repeated, thereby

proving conclusively that it is no oversight and the bill was drafted in that fashion.

On page 9, lines 22 to 25, the validity of these bonds can not be challenged because of irregularities of any proceedings in acquiring or improving a system. This is certainly a matter that should be looked into by the sponsors of the bill and by this House of Representatives, as to whether or not we are going to foster a corporation of this kind which can issue bonds of this character and which cannot be looked into for irregularities. And, mark you, the bill is full of opportunities for such irregularities.

Section five, page three, the Governor appoints three directors who manage this power corporation, and yet, members of the House, they get no salary. We say to them, "Thine be the kingdom, the power and the glory, but absolutely no salary." It is a matter of general acceptance among private business operators when you want talent, when you want integrity, when you want men of ability, you should pay them what they are worth.

In the first flush of enthusiasm over a thing of this sort, no doubt the Governor might appoint three men of ability, who might be willing to serve for nothing, and yet what happens in the long run with this sort of thing? In the first flush of enthusiasm, you get men who are zealous but may have very little judgment, and then in the second stage you get men who will say, "Yes, we get no salary, and yet we buy ten million dollars worth of copper a year and that proposition of our getting no compensation is not going to be worked on us." It is inconceivable that we should set up a corporation of this size for any good purpose and put the entire authority in the hands of three men, and yet state specifically that those three men shall receive nothing whatever.

Let me call your attention to another thing, on page ten, line sixteen, a consumer of this electricity has nothing to say about what this electricity will cost him, and he can have, no matter how much money this corporation spends or how foolishly they do it, no matter how much property they acquire at private sales or what price they pay for it, the rate they charge must be sufficient at all times to pay six per cent and expenses. The bill specifically states that the rate shall be sufficient even to pay for any lawsuits they get into, whether they are justified or not.

Let me call your attention to the fact that the Legislature surrender its powers. Read page eleven, section seventeen, lines one to fifteen. I would like to read to you those lines from the bill itself, in order that there be no mistake, or the possibility of my misreading a typewritten copy. Section seventeen reads as follows:

"Agreement of the Commonwealth. The Commonwealth does pledge to and agree with the holders of bonds issued by the authority that the state will not limit or alter the rights and powers hereby vested in the authority to fix and collect such rates fees and charges as may be necessary or advisable in order to produce sufficient revenue to meet all expenses of maintenance and operation of its system or systems and to fulfill the terms of any agreements made with the holders of such bonds or in any way impair the rights and remedies of the holders of such bonds until such bonds together with interest thereon and interest on any unpaid installments of interest and all costs and expenses in connection with any suits actions or proceedings."

Now, fellow members of the Legislature, we have been devoting a great deal of the time that we have spent here since January in regulating and preventing private utilities from making excessive charges to the citizens of this Commonwealth, are you going to sit here and vote for a bill, which surrenders permanently your right to in any way regulate the charges of this government-owned public utility corporation? That is certainly a restriction which should be stricken out of any bill, which sensible men devoted to the public welfare should never pass.

Then, on page six, section eleven, lines three to six it reads as follows: "authority is hereby vested with all powers necessary or requisite for the accomplishment of its corporate purpose and capable of being delegated by the Legislature." This is certainly a very broad provision for us to be voting into law at a time when the Supreme Court has just held the NRA unconstitutional on the very ground that Congrees had delegated entirely too much power to the executive branch. I wish you would mark down page six, section eleven, lines three to six, and say whether or not you are willing this evening to permanently vest in that authority all the powers capable of being delegated by the Legislature. It is a very broad authority, members of the House.

I will turn to another page of this bill. It is certainly unfair competition. It uses the income of Pennsylvania electric companies acquired by the Federal government through the income tax to place this State in direct competition with that industry which is helping to pay the bill. We have restricted private industry further at the same time that we are extending to this public corporation great, unusual and I believe illegal powers.

At the present time I honestly believe that the depression is over. There are millions of dollars crowding our banks, awaiting private investment. This money waits alone the return of confidence, the protection of the government.

I am not going to bore this audience this evening with reading a lot of statistics. However, I will ask the permission of the Speaker to incorporate in the record the statistics contained in the United States News with regard to the replacement of private industry by government funds in fields which have primarily been occupied by private money.

I am not ging on with further criticism of the bill, because any of the defects that I have pointed out to you are sufficient to justify the defeat of this bill.

I do wish to call your attention, however, to one particular fact and that is this, that just because many of us believe the Wall Street financiers have deprived the ordinary investor in utility securities of perhaps fifty cents out of every dollar that they thought they had invested, let us not overlook the fact that millions and millions of our people by direct investment or through life insurance companies or through other funds they have saved up to provide for their old age, millions of those dollars have been invested in private utilities. Just because they have already lost fifty cents out of every dollar they had does not justify us or any other government in ruining the remaining fifty.

I request the members of this House to vote down this bill because it does not perform the purpose for which it is intended and in many other respects which I have pointed out, is a very bad measure.

Mr. Speaker, I would like to offer these statistics for the

Legislative Journal. I do not want to take up the time of the members in reading them.

The SPEAKER. The statistics will be noted in the Journal and printed in the appendix to the Legislative Journal.

Mr. AUKERMAN. Mr. Speaker and members of the House, at the offset of my brief remarks I just want to state that any movement for further rural electrification is always met with a similar onslaught such as we have just heard.

Briefly, the reason for the introduction of this bill has been due to the fact that the Federal Government recently made an appropriation of one hundred thousand dollars for the primary purpose of rural electrification. In order that Pennsylvania may take advantage of this appropriation we have introduced this bill.

Under the federal grant, the grant provides that rural electrification, can be extended under any of four auspices:

1. Through private companies with or without financial aid from the government. These companies already have given assurances of interest and active and willing cooperation.

2. By State rural electrification authorities or political sub-divisions of the state, such as power districts and municipalities.

3. Through farm cooperatives or non-profit organizations; or

4. Under strictly Federal auspices.

Now, we already know that the private companies have been negligent in assisting in the expansion of rural electrification. In most cases costs are so great that the farmer cannot afford to avail himself of this wonderful advantage.

Mr. Kane in his remarks stated that there was no restriction to rural districts. I would state that the primary purpose of this bill is to extend electrification to those districts which are now not adequately supplied or in which districts the cost is so great as to make it almost out of the question for the farmers or for the people in that district to avail themselves of this opportunity.

There is no question in our minds as to the fact that the urban communities are very well supplied with electricity, and therefore automatically I think this will be confined to the rural districts.

Mr. Kane mentioned the fact that the state was entering into unfair competition with private companies. I wish to state that the intention of the bill is that the authority will buy power from private companies wherever possible or wherever it can be obtained at reasonable rates. Where it cannot, of course, other means may be resorted to supply this power.

As I stated before, private companies have already had the opportunity but have failed to take advantage of it.

One more thing in my remarks, I want to call to the attention of Mr. Kane and the members of the House to the right of the bondholder as stated on page 12, section 19, which states: "Rights and Remedies of Bondholders. In addition to all other rights and all other remedies, any holders of bonds of the authority including a trustee for bondholders, shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the authority, and the board of the authority including the right to require the authority and such board to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require the authority and such board to carry out any other covenants and agreements with such bondholder and to perform its and their duties under this act."

I think that provision adequately takes care of the bondholders.

In conclusion I would like to read a short communication from the Rural Electrification Administration in Washington, addressed to:

Mr. Alexander Fleisher (Consultant-Director, State Planning Board)
928 North Third Street
Harrisburg, Penna.

Dear Mr. Fleisher:

Mr. Morris L. Cooke has asked me to make reply to your letter of June 5, 1935, in which you enclosed copy of a statement of the Pennsylvania Joint Committee on Rural Electrification in opposition to certain bills presented to the Pennsylvania State Legislature

The Bills Nos. 2411, 2413, 2415 and 2682 incorporate enabling provisions in state law which tend to facilitate the program in which the federal government is interested. None of these bills are open to the rather sweeping generalizations of the statement issued by the Pennsylvania Joint Committee. Considering these in detail the following statements are pertinent:

(1) There is obviously no abrogation of the sovereign rights of the State of Pennsylvania. Each act is an appropriate exercise of the power of the State Legislature under the state constitution. The corporations authorized derive their authority from the state and have as their sole purpose the furnishing of service to the citizens of Pennsylvania.

(2) None of these bills contravene the constitutional provisions relative to the creation of public debt. The municipal bodies authorized have no power of taxation and the retirement of indebtedness is limited to revenue produced by the lines.

(3) The power of eminent domain and the right to use highways are rights which are common and essential to all public service enterprises and now enjoyed on a large scale by many private corporations for profit.

(4) The intimation that these bills are blackmailing measures and designed to embarrass the operations of existing private utilities does not seem to merit any extended answer. The sole purpose of this type of legislation is to serve territory which the existing utilities have not been interested in serving. Not only is there an absence of competition with such companies, but this program ultimately will tend to improve and increase their load by reason of contemplated purchase of power from existing high lines.

(5) The statement that these bills instead of increasing employment will result in "the ultimate discharge of thousands of employees of the existing companies" is such extreme distortion of the situation as to contain its own answer. Existing companies still have the right to employ their capital and their construction force upon all the lines which they are willing to build.

(6) The intimation that this whole program of rural electrification in which the federal government is now interested is one of antagonism to existing companies is simply a complete misstatement of the fact. The Rural Electrification Administration is interested only in the widest possible extension of electric service in rural areas by any means available that are consistent with reasonable assurances of self liquidation. Continued extensions by private companies will of course be greatly desired. The present program in which the federal government is interested has as its sole purpose that of facilitating such extensions in areas which probably would not otherwise be served. I do not feel that it is necessary to take seriously the statement of the Pennsylvania Joint Committee that "the destruction of the existing privately owned electric utility companies is the ultimate purpose of the program." I do not believe that this Committee would make such a statement at this time in the light of

a more intelligent understanding which I think they have of the purposes which we have in view.

Very truly yours,

THE RURAL ELECTRIFICATION ADMINISTRATION
(S) Vincent D. Nicholson
General Counsel

Summing up my remarks I just wish to impress upon you that by availing ourselves of the federal grant, which will undoubtedly be given to Pennsylvania under the Federal Appropriation for that purpose, that by creating such a Rural Electrification Authority has the best and most adequate assurance of extension of Rural Electrification in this State, and on these grounds I ask you to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—106

Achterman,	Dent,	Lovett,	Ruth,
Alexander,	Dilley,	Lynch,	Sarraf,
Allen,	Downey, G. E.,	Male,	Scanlon,
Andrews,	Downey, J. J.,	McCreary,	Schrope,
Arnold,	Eberharter,	McDermott,	Schwab,
Aukerman,	Eroe,	McElroy,	Shaw,
Baine,	Falkenstein,	McHenry,	Shepard,
Baker, J. J.,	Finnerty,	Melchiorre,	Simon,
Barber,	Fitch,	Mooney,	Sinwell,
Bradley,	Flanagan,	Moran,	Smith, J. A.,
Brancato,	Gerard,	Moul,	Smith, W. G.,
Brown, H. S.,	Haberlen,	Munley,	Snyder, F. E.,
Brown, J. E.,	Hagerty,	Murrin,	Stank,
Brownfield,	Haluska,	Nagel,	Stevens,
Brumbaugh,	Hamilton, F. P.,	O'Keefe,	Stone,
Burke,	Harkins,	Ominsky,	Sumney,
Cannon,	Harmuth,	O'Neill,	Tronzo,
Caputo,	Hartman,	Patterson, C.,	Tumelty,
Carr,	Hetrick,	Patterson, J. W.,	Van Allsburg,
Carson,	Hindman,	Pearson,	Walker,
Chervenak,	Holstrom,	Pfaff,	Weiss,
Coakley,	Hoopes,	Piole,	Welliver,
Cochran,	Kilroy,	Powers,	Welsh,
Cohen,	Kinney,	Reising,	Westrick,
Coleman,	Klingler,	Robinson,	Yourishin,
Coolahan,	Kobelak,	Ruffennach,	Sarig,
Decker,	Long,		

NAYS—41

Altenburg,	Green,	Merrell,	Stockham,
Blumberg,	Hamilton, R. S.,	Moore,	Surface,
Boose,	Hart,	Muir,	Terry,
Boyer,	Horst,	Nothnagle,	Trout,
Brennan,	Jones,	Peters,	Wall,
Cordier,	Kane,	Phillips,	Weidemann,
Davies,	Kelder,	Rhys,	White,
Duffort,	Linderman,	Roan,	Wickersham,
Ferko,	Longaker,	Shreiner,	Winner,
Gates,	McKinney,	Simpson,	Woodside,
Gillette,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

(The remarks made at this point by Mr. Kane were stricken from the record. See Question of Personal Privilege following.)

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to state that it is very important that the appropriation bills on the calendar be passed tonight. For that reason the Chair will take up the third reading calendar, and lay before the first eight bills thereon, which are appropriation bills and then, if it is agreeable to the House, adjourn.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1913, entitled:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment and provide productive work in factories and mines for the unemployed the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress imposing a penalty and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Munley,	Stevens,
Boyd, R.,	Hagerty,	Murrin,	Stewart,
Boyer,	Haluska,	Nagel,	Stockham,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stone,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hart,	Panton,	Tahl,
Brownfield,	Hartman,	Parks,	Terry,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Root,	White,
Davies,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klinger,	Ruth,	Winner,
Denning,	Kobelak,	Sarraf,	Witkin,
Dent,	LaRue,	Scanlon,	Wood,
Diehl,	Linderman,	Schrock,	Woodside,
Dilley,	Long,	Schrope,	Yourishin,
Downey, G. E.,	Longaker,	Schwab,	Zappala,
Downey, J. J.,	Lovett,	Schwartz,	Zimmerman,
Duffort,	Lynch,	Shaw,	Sarig,
Eberharter,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1805, entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fiten,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boore,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Yeakel,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2034, as follows:

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to supervise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known as and may be cited as the "State Housing Authority Law"

Section 2 Definitions The following words and phrases when used in this act shall have the meaning respectively ascribed to them in this section

(a) "Authority" shall mean the State Housing Authority created by this act

(b) "Municipality" shall mean any city borough town or township

(c) "Company or corporation" shall mean any non-profit or limited dividend housing company or corporation formed to plan construct and operate any housing project within the meaning of this act

(d) "Project" shall include all lands buildings and improvements acquired managed or operated by a municipality or housing company or corporation within the meaning of this act designed to provide housing accommodation and stores offices or other commercial or community facilities appurtenant thereto which are planned as a unit for the community whether or not acquired or constructed at one time and which ordinarily are contiguous or adjacent to one another

(e) "Community facilities" shall include lands buildings or equipment for recreational or social assembly for educational health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed and operated hereunder

(f) "Area" shall mean an area wherein the Housing Authority shall find that unsanitary or substandard housing conditions exist An area may include land whether improved or unimproved and buildings or improvements not in themselves unsanitary or substandard the inclusion of which is deemed necessary by the Authority for the effective clearance replanning or reconstruction of the area or any part thereof

(g) "Real property" shall include lands lands under water structures and any and all assessments franchises and incorporated hereditaments and estates and rights legal and equitable including terms for years and liens

(h) "Bond" shall include bonds interim receipts certificates or other obligations to be issued by the Authority

(i) "Mortgage" shall include deeds of trusts mortgages building and loan contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclosure and cause the sale thereof

(j) "Trust indenture" shall include instruments pledging revenues of real or personal properties but not conveying such properties or conferring a right to foreclosure and cause the sale thereof

(k) "Contract" shall mean any agreement of the Authority with or for the benefit of any obligee whether contained in a resolution trust indenture mortgage lease bond or other instrument

(l) "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administration of Public Works and any and all other authorities agencies and instrumentalities of the United States of America heretofore or hereafter created

Section 3 State Housing Authority (a) There is hereby

created and established a State Housing Authority a body corporate and politic The Authority shall consist of five members who shall be appointed by the Governor Two of the members may be heads of departments of the Government of the Commonwealth At least three of the members shall be citizens of the Commonwealth who shall not hold any other office under the Commonwealth to which any salary is attached Each civilian appointee shall be qualified by training or experience to perform the duties of the Authority The members of the Authority who are first appointed shall be designated by the Governor to serve terms of one two three four or five years respectively from the date of their appointment and thereafter the term of the office shall be for five years Provided however That in the case of any head of a department of the Government of the Commonwealth who shall be appointed a member of the Authority his term of office as a member of the Authority shall coincide with his term of office as head of the department of the Government of the Commonwealth Unless removed for cause a member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the remainder of the unexpired term The compensation of the civilian members of the Authority shall be fixed by the Governor and they also shall be entitled to receive traveling expenses and other necessary expenses actually incurred in the performance of their public duties The members of the Authority who are heads of departments of the Government of the Commonwealth shall receive no additional compensation as members of the Authority but shall be entitled to receive traveling expenses and other necessary expenses actually incurred in the performance of their duties as members of the Authority The Authority shall organize with the election of a chairman Three members shall constitute a quorum

(b) The Authority with the approval of the Governor shall appoint and fix the compensation of a full-time executive director who shall act as the secretary of the Authority but who shall not be a member of the Authority and who shall be technically qualified for the duties of his office The executive director shall be under the sole direction of the Authority The Authority may also appoint discharge at pleasure and fix the compensation of or make contracts for the services of technical experts and officers legal counsel and all clerical and technical assistants which may in its judgment from time to time be necessary in the administration of this act The head of any public department or agency of the Commonwealth or any of its municipal subdivisions is authorized to assign technical employes to assist the Authority The Authority may also incur necessary expenses for offices furniture stationery printing and other incidental expenses The Authority may delegate to one or more of its members its agents or employes such powers as it may deem proper

(c) A member of the Authority shall not be personally liable for any official acts and the rights of creditors of the Authority shall be solely against the Authority as a corporate and politic body and satisfied only out of property held by it in its corporate and politic capacity No member or employe of the Authority shall acquire any interest direct or indirect in any project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any project If any member or employe of the Authority owns or controls an interest direct or indirect in any property included in any project which was acquired prior to his appointment he shall disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority Any member of the Authority having such interest shall refrain from voting or participating in any manner in connection with such project

Section 4 General Powers and Duties The Authority shall have power to purchase construct lease operate and supervise housing projects The Authority shall have power further

(a) To sue and be sued

(b) To have a seal and alter the same at pleasure

(c) To exercise the right of eminent domain to the extent and in the manner provided by law Provided however That when exercised in its own name the Authority shall first have acquired title or option to more than fifty per centum of the real property or site involved

(d) To acquire by purchase gift devise lease or exercise of the power of eminent domain or other mode of acquisition hold and dispose of property real and personal tangible and intangible and interest therein in its own name subject to mortgages or other liens or otherwise to pay therefor in cash or on credit and secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine

(e) To make and enter into contracts indentures of trust leases and bonds

(f) To borrow money and to issue negotiable bonds and provide for the rights of the holders thereof

(g) To fix maintain and collect rates and charges for any services

(h) To pledge all of any part of its revenues

(i) To make such covenants in connection with the issuance of bonds or in order to secure the payment of bonds that a private business corporation can make under the general laws of the Commonwealth notwithstanding that such covenants may operate as limitations on the exercise of any of the powers granted by this act

(j) To enter on any lands waters and premises for the purpose of making surveys soundings and examinations

(k) To perform any and all acts and do any and all things by contract or contracts or under through and by means of its own officers agents and employes

(l) To encourage approve supervise and control the organization and operation of private and semi-public housing companies and corporations within the meaning of this act

(m) To recommend to the State Planning Board areas within municipalities which areas may be within adjacent to or separate and apart from designated areas of bad housing within which the construction of housing projects by such companies or corporations may be undertaken

(n) To supervise housing projects initiated by the State Planning Board

(o) To cooperate with local housing officials and planning commissions or similar bodies in cities and other muncipalities in the development of projects they at any time may have under consideration

(p) To authorize the exercise of the right of eminent domain by housing companies and corporations to the extent and in the manner provided by law

(q) To have jurisdiction over all housing projects except those in which the United States Government or any of its agencies has an interest either as owner investor or creditor

(r) To cooperate with the United States Government or any of its agencies in Federal housing projects within the Commonwealth of Pennsylvania and have supervision over such housing projects if the agency or agencies of the United States Government having such interest shall give consent to each supervision and the Authority shall assume such supervision when and if the said Federal Government participation is terminated

(s) To act as agent of the United States Government when any Federal agency so requests

Provided however That each specific housing project must receive the approval of the State Planning Board

Section 5 Moneys of the Authority All moneys of the Authority from whatever source derived shall be paid into the State Treasury as agent for the Authority and shall be deposited into a special fund which shall be known as the Housing Fund Any moneys in said Housing Fund from time to time shall be available for expenditures by the State Housing Authority for the payment of the expenses incurred by said Authority in carrying out the provisions of this act and for the payment of compensation and expenses of the members and employes of the Authority and for such purposes are hereby appropriated

Section 6 Audit of Books The Department of Revenue and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its re-

ceipts disbursements contracts leases sinking funds investments and any other matters relating to its financial standing Such an examination shall be made at least once in every year and the Department of Revenue shall furnish the Authority with a copy of its report and any recommendations which the Department may deem advisable

Section 7 Bonds Bonds of the Authority shall be authorized by the members The bonds of the Authority shall be free from taxation and may be issued in one or more series may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding five per centum per annum be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption with or without premium be declared or become due before the maturity date thereof is may be provided Said bonds may be issued for money or property at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money or property at its value as determined by the Authority the determination of which shall be conclusive received for any issue of said bonds shall not exceed five per centum per annum Pending the preparation or execution of definitive bonds interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds Said bonds may be purchased by the Authority out of any funds available for such purpose at a price not more than the principal amount thereof and accrued interest and all bonds so purchased shall be cancelled

Section 8 Liability on Bonds and Other Obligations The bonds and other obligations of the Authority shall not be a debt of the Commonwealth and the Commonwealth shall not be liable in any way whatsoever thereon nor may the holder of any such bonds or obligations compel the levy of taxes for payment Such bonds shall not be payable out of any funds other than those of the Authority and each bond shall contain a recital to that effect Neither officials of the Authority nor any person executing said bonds shall be liable personally on said bonds by reason of the issuance thereof

Section 9 Rights and Remedies of Bond Holders In addition to all other rights and all other remedies any holder or holders of any bond or bonds of the Authority including a trustee for bond holders shall have the right subject to any contractual limitations binding upon such bond holder or holders or trustees and subject to the prior or superior rights of others

(a) To sue on bonds

(b) By mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority and the members thereof including the right to require the Authority and its members to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require the Authority and its members to carry out any other covenants and agreements with such bond holder and to perform its and their duties under this act

(c) By action or suit in equity the Authority to account as if it were the trustee or an express trust for such bond holders

(d) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bond holder

(e) By suit action or proceeding in any court having equitable jurisdiction to obtain in the event of a default by the Authority in the payment due when his or their bond or bonds or interest thereon which default shall have continued for a period in excess of sixty days the appointment of a receiver of the enterprise in which the Authority is engaged or any part or parts thereof who may enter and take possession of such enterprise or any part or parts thereof including all property lands property rights casements and other adjuncts of the enterprise in which the Authority shall have been engaged in and such receiver may engage in such enterprise furnish the service or services thereof and operate and maintain the system fix and collect and receive all revenues thereafter arising therefrom in the same manner as the Authority itself might do and shall deposit all such moneys in a separate account with the obligation of the Authority as the court shall direct

Section 10 Inquistiorial Powers of the Authority The Authority shall have power to investigate the affairs of housing companies and corporations and the dealings transactions or relationships of such companies and corporations with other persons Any of the investigations provided for in this act may be conducted by the Authority or by a committee appointed by the Authority consisting of one or more members of the Authority Each member of the Authority or of a committee thereof shall have power to administer oaths take affidavits and to make personal inspections of all places to which their duties relate The Authority or a committee thereof shall have power to subpoena and require the attendance of witnesses at any place in the Commonwealth designated by the Authority and the production of books and papers pertaining to the investigations and inquiries authorized in this act and to examine them in relation to any matter it has power to investigate and to issue commissions for the examination of witnesses who are out of the Commonwealth or unable to attend before the Authority or excused from attendance

Section 11 Recommendation of Projects No housing project shall be recommended to the State Planning Board by the Authority unless

(a) There is an acceptance by the housing company or corporation of a designee of the Authority as a member of the board of directors of such company or corporation

(b) It shall appear practicable to rent the housing accommodations of the company or corporation at rentals not exceeding those prescribed by the Authority in accordance with this act No such project shall be recommender in contravention of any zoning or building ordinances in effect in the municipality in which designated areas are located

(c) There shall be submitted a financial plan in such form and with such assurance as the Authority may prescribe to raise whatever proportion of the actual cost of the lands and improvements through the investment of private capital in the shares and income debentures of such company or corporation as may be mutually agreed upon between the Authority and each company or corporation and to raise the balance by mortgage bonds The plan may provide for the raising of working capital in an amount to be approved by the Authority not to exceed three per centum of the actual cost through the investment in shares and income debentures of the company or corporation whenever reference is made in this act to the cost of projects or of buildings and improvements in projects such costs shall include charges for financing and supervision approved by the Authority and carrying charges during construction required in the project including interest on borrowed and where approved by the Authority on invested capital

(d) There shall be such plans of site development and buildings as to show conformity to reasonable standards of health sanitation and safety and provisions for light and air accompanied by proper specifications and estimates of cost Such plans may if the Authority approves provide for the use to the extent permitted by law of a limited portion of the building for stores professional offices and commercial cooperative or recreational purposes Such plans and specifications shall not in any case fall below the requirements of the health sanitation safety and housing laws of the Commonwealth and shall meet superior requirements if prescribed by local laws and ordinances No such plans of a proposed project shall be approved by the Authority unless the Authority is reasonably assured that the proposed housing development conforms with the local official city or regional plan building and zoning regulations except that a site-plan for a project designed for inclusive ownership and rental may differ from those area provisions of the zoning ordinance which are applicable to standard lot and block subdivisions which have prevailed hitherto provided that the site-plan assures equal or greater provisions of light air ventilation and amenity than the zoning ordinance requires

(e) The company or corporation shall agree if required by the Authority to deposit all moneys received by it as proceeds of its mortgage bonds notes income debentures or shares with a corporate trustee approved by the Authority Such trustee shall receive moneys and make payment therefrom for the acquisition of land and the construction of improvements and other items entering into the cost of land and improvement upon presentation of draft check or order signed by a proper officer of the company or corporation Any funds remaining in the custody of such trustee after completion of the project and payment or arrangement in a manner satisfactory to the Authority for payment in full thereof shall be paid to the company or corporation

Section 12 Consolidation or Operation of Several Projects The Authority may permit the consolidation of two or more projects or the extension or amendment of any project or the consolidation of any project with a proposed project In case of there events the consolidated project shall be treated as an original project and rents may be averaged throughout the consolidated or extended project but the averaging of rentals shall not be approved if consolidated projects are so widely separated that the averaging rental is not warranted The Authority may likewise permit any housing company or corporation to organize and operate more than one project or to take over any project heretofore approved by the State Planning Board and to operate it independently of other projects of the company or corporation The Authority may for just reasons decline to permit more than one project to be operated by the same company or corporation The Authority may permit a housing company or corporation to sell assign convey or dispose of real property or any interest therein owned by it under such terms regulations or restrictions as the Authority may approve

Section 13 Regulation of Housing Companies and Corporations In pursuance of its powers and authority to supervise and regulate the operations of housing companies and corporations the Authority may

(a) Order such repairs and improvements as will preserve the health safety morals and general welfare of the occupants of buildings and structures owned or operated by such companies or corporations

(b) Order all such companies and corporations to do such acts as may be necessary to comply with the provisions of the law with reasonable rules and regulations adopted by the Authority or the terms of any project approved by the Authority or to refrain doing any acts in violation thereof

(c) Examine all such companies and corporations and keep informed as to their general conditions their capitalization and the manner in which their property is constructed leased operated or managed

(d) In all proceedings to foreclose mortgages of such companies or corporations and in all other actions in which judgments have been entered upon by which any of the real property of such companies or corporations may be sold take such steps as in its judgment may be necessary to protect the interest of the public therein and the rights of all parties interested in such property

(e) Either through its members or agents duly authorized by it enter in or upon and inspect the property equipment buildings plants offices apparatus and devices of any such company or corporation examine all books contracts records documents and papers of any such company or corporation and by subpoena duces tecum compel the production thereof

(f) In its discretion prescribed uniform methods and forms of keeping accounts records and books to be observed by such companies and corporations and after hearing to prescribe by order accounts in which particular outlays and receipts shall be entered charged or credited

(g) Require every such company or corporation to file with the Authority an annual report setting forth such information as the Authority may require verified by the oath of the president and general manager or receiver if any thereof or by the person required to file the same Such report shall be in the form cover the period and be filed at the time prescribed by the Authority The Authority may further require specific answers to questions upon which the Authority may desire information and also may require such company or corporation to file periodic reports in the form covering the period and at the time prescribed by the Authority

(h) From time to time make amend and repeal rules and regulations for carrying into effect the provisions of this act

Section 14 Control of Rentals The Authority may establish for each municipality in which such housing company or corporation proposed to operate the maximum rental per room to be charged the tenants of the housing accommodations furnished by such housing company or corporation Such maximum rental shall be fixed on the basis of land values for housing purposes and building construction cost in such municipality The Authority shall further establish within the limit of such maximum rentals the average rental per room for each project built or acquired and managed by such company or corporation upon the basis of the actual final cost of the project so as to secure from the housing accommodations together with all other income of the company or corporation a sufficient income to meet all necessary payments authorized by law to be made by such companies and corporations and within the limits of allowable dividends Such room rental rates shall be subject to revision by the Authority from time to time if found to be excessive For the foregoing purposes the Authority shall promulgate a uniform method of rating the various types of rooms of dwellings Rentals for the commercial portion of such projects such as stores professional offices cooperative or commercial uses in dwellings recreational purposes may be fixed on ths basis of current market rates the income therefrom to effect reductions in rentals applying to residential uses

It shall be unlawful to let sublet or assign leases of apartments in such buildings or structures at greater rentals then prescribed by the order of the Authority All such leases shall be void for all intents and purposes In all cases where public funds or assistance have been given to a housing project the Authority may specify such methods and conditions as will safeguard the housing accommodations against occupancy by families of a higher income than those for whom the project may have been designated

Section 15 Increase of Rentals Whenever it shall appear that the interest of lienholders creditors debenture holders or shareholders cannot otherwise be safeguarded the Authority shall notwithstanding the limitation prescribed in this act for maximum and average rentals have power by its order made upon written application of a housing company or corporation or of a lienholder a creditor or of holders of ten per centum of the income debentures or shares of the company or corporation to authorize such housing company or corporation to increase rentals beyond the maximum established by the Authority but the increase shall not be in excess of the minimum amount necessary to enable such company or corporation to meet such obligations and then only after a public hearing at a time and place designated by the Authority Such hearing shall be held upon no less than twenty days' written notice to the tenants Such notice shall have annexed thereto a copy of the application for increase in rentals No such order or authorization shall be made or given unless the Authority shall find that because of changes in economic conditions in their application to the particular project involved or because of special assessments or causes or contingencies beyond the control of the company or corporation affecting such project the maximum rentals fixed by the Authority are insufficient to meet the payments authorized by law to be made by such company or corporation and unless the Authority shall find that such insufficiency cannot be corrected by reasonable economies in management and operation

Any order of the Authority shall be final and conclusive upon all questions within its jurisdiction unless reversed or modified on appeal as hereinafter provided Within thirty days after notice of the filing of the order of the Authority has been sent to the company or corporation and served upon the tenants affected thereby in such manner as the Authority shall prescribe an appeal may

be taken to the court of common pleas of Dauphin County from such order of the Authority by any party in interest If notice of such appeal is served upon the Authority it shall within thirty days thereafter serve upon the parties in interest a statement of its conclusions of fact and rulings of law in the case The authority shall be deemed a party to every such appeal and the Department of Justice shall represent the Authority therein An appeal from the decision of such court may be taken by the Department of Justice acting on behalf of the Authority or by any party in interest to the Supreme Court It shall not be necessary to file exceptions to the rulings of the Authority The Department of Justice shall not be required to file a bond upon an appeal by it to the Supreme Court Otherwise such appeals shall be subject to the law and practice applicable to appeals in civil actions Upon final determination of such an appeal the Authority shall enter an order in accordance therewith

Section 16 Reduction of Rentals If in any calendar or fiscal year the gross receipts of any housing company or corporation under the provisions of this act shall have exceeded the payments which it is authorized by law to make including the sums necessary to pay dividends and interest accrued or unpaid on any shares or income debentures and the authorized transfer to surplus the balance shall be applied to the reduction of rentals unless the board of directors with the approval of the Authority shall deem such balance too small for the purpose

Section 17 Summary Proceedings Whenever the Authority shall be of the opinion that a housing company or corporation is failing or omitting or about to fail or omit to do anything required of such company or corporation by law or order of the Authority and is doing or is about to do anything or permitting anything or is about to permit anything to be done contrary to and in violation of law or of any order of the Authority or anything which is improvident or prejudicial to the interests of the public the lienholders or the shareholders the Department of Justice acting for and on behalf of the Authority shall commence an action or proceeding by mandamus injunction or otherwise in the court of common pleas of the county wherein the main office of such company or corporation is located for the purpse of having such violation or threatened violation stopped and prevented

Section 18 Fees The Authority may charge and collect for an approved project from a housing company or corporation or for any housing project constructed purchased leased or otherwise acquired by the Authority reasonable fees in accordance with rates to be established by the rules of the Authority for the examination of plans and specifications and the supervision of construction for the holding of a public hearing upon the application of any housing company or corporation an amount sufficient to meet the reasonable cost of advertising the notice thereof and of the transcript of testimony taken thereat for any examination or investigation made upon application of any housing company or corporation an amount reasonably calculated to meet the expenses of the Authority in connection therewith All such fees shall be included as part of the cost of a project All such receipts shall be paid into the State Treasury and shall be deposited into the Housing Fund

Section 19 Appropriation The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby appropriated to the State Housing Authority for the two fiscal years ending on the thirty-first day of May one thousand nine hundred and thirty-seven for the purpose of carrying into effect the provisions of this act

Section 20 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 21 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Relsing,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffenach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2787 (Senate Bill No. 563), entitled

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2714, entitled

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1162 (Senate Bill No. 114), entitled

An Act making an appropriation to the Trustees of Lincoln University Chester County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby authorized by the authority of the same That the sum of one hundred and fifty thousand dollars ($150,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of Lincoln University Chester County for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the Trustees may deem for the best interests of the University

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2579, entitled

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrum,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2896, as follows:

An Act making appropriations to the Department of Welfare for the maintenance of certain hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million six hundred thirty-six thousand two hundred four dollars and seventy-five cents ($8,636,204.75) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of the three dollars ($3) per diem rate as the part of the regular charge which the person treated is not able to pay bears

to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Abington Memorial Hospital	$39,100
Adrian Hospital Association Punxsutawney	$38,000
Allegheny General Hospital Pittsburgh	$181,200
Allegheny Valley Hospital Tarentum	$27,600
Allentown Hospital Allentown	$136,150
Altoona Hospital	$66,700
American Hospital for Diseases of Stomach Philadelphia	$10,000
Barnes Simon H Memorial Hospital	$3,565
Beaver Valley General Hospital New Brighton	$18,400
Belvedere Hospital Pittsburgh	$4,485
Berwick Hospital	$16,790
Blair J C Memorial Huntingdon	$38,985
Bloomsburg Hospital	$30,705
Braddock General Hospital	$54,395
Bradford Hospital	$35,900
Broad Street Hospital Philadelphia	$30,500
Brookville Hospital	$12,765
Brownsville General Hospital	$37,720
Butler County Memorial Hospital	$21,850
Canonsburg General Hospital	$18,400
Carbondale General Hospital	$23,000
Carlisle Hospital	$26,105
Centre County Hospital Bellefonte	$32,315
Chambersburg Hospital	$20,010
Charleroi-Monessen Hospital	$28,000
Chester County Hospital West Chester	$66,125
Chester Hospital City of Chester	$38,435
Chestnut Hill Hospital Philadelphia	$31,200
Children's Hospital of Philadelphia	$77,650
Children's Hospital of Pittsburgh	$110,860
Christian H Buhl Hospital Sharon	$35,900
Citizens General Hospital New Kensington	$41,055
Clearfield Hospital	$45,080
Coatesville Hospital	$47,000
Columbia Hospital Columbia	$14,145
Community Hospital Kane	$7,475
Conemaugh Valley Memorial Hospital	$102,350
Corry Hospital Association	$12,900
Coudersport General Hospital	$4,140
Delaware County Hospital	$25,200
Eagleville Sanatorium for Consumptives	$124,200
Easton Hospital	$77,850
Elizabeth Steel Magee Pittsburgh	$92,000
Elk County General Hospital Ridgway	$20,000
Ellwood City Hospital, Ridgway	$12,420
Eye and Ear Hospital Pittsburgh	$25,300
Frankford Hospital, Philadelphia	$77,625
Franklin City Hospital	$10,120
Frederick Douglass Memorial Hospital and Training School Philadelphia	$18,400
Frick Henry Clay Memorial Hospital Mt Pleasant	$25,300
Geisinger George F Memorial Hospital Danville	$34,500
General Hospital of Monroe County East Stroudsburg	$14,720
Germantown Dispensary and Hospital	$149,100
Good Samaritan Hospital Lebanon	$51,150
Grandview Hospital Sellersville	$15,300
Grandview Hospital for Consumptives Oil City	$19,550
Greene County Memorial Hospital Waynesburg	$10,350
Greenville Hospital Greenville	$5,520
Grove City Hospital	$3,600
Hahnemann Hospital Philadelphia	$203,700
Hahnemann Hospital Scranton	$63,365
Hamot Hospital Association Erie	$111,115
Hanover General Hospital Hanover	$13,415
Harrisburg Hospital Harrisburg	$92,345
Harrisburg Polyclinic Hospital Harrisburg	$57,000
Homeopathic Hospital of Chester County West Chester	$35,880
Homeopathic Medical and Surgical Hospital Pittsburgh	$92,000
Homeopathic Medical and Surgical Hospital Reading	$72,795
Homestead Hospital	$49,795
Indiana Hospital	$43,470
Jameson Memorial Hospital Association (Shenango Valley) New Castle	$32,200
Jefferson Medical College Hospital	$239,430
Kane Summit Hospital Association	$10,000
Kensington Hospital for Women Philadelphia	$39,100
Kittanning General Hospital	$9,430
Lancaster County Tuberculosis Society (Rossmere)	$63,250
Lancaster General Hospital	$73,600
Latrobe Hospital	$25,300
Lee Homeopathic Hospital Johnstown	$11,500
Lewistown Hospital	$48,990
Lock Haven Hospital	$35,880
Lying-in-Charity Hospital Philadelphia	$90,275
Maple Avenue Hospital Association DuBois	$20,125
Maternity Hospital Philadelphia	$37,260
McKeesport Hospital	$85,550
Meadville City Hospital	$22,425
Memorial Hospital Association Monongahela City	$13,700
Memorial Hospital Roxborough Philadelphia	$49,565
Mercy Hospital Altoona	$46,800
Mercy Hospital and School for Nurses Philadelphia	$73,450
Mercy Hospital Wilkes-Barre	$96,025
Mid-Valley Hospital, Blakely	$29,900
Milliken A C Hospital Pottsville	$12,535
Miners' Hospital of Northern Cambria	$43,355
Montefiore Hospital Pittsburgh	$75,900
Montgomery Hospital Norristown	$47,505
Mount Siani Hospital Philadelphia	$121,785
Nason Hospital Association Roaring Springs	$29,000
National Stomach Hospital Philadelphia	$5,700
Northern Liberties Hospital	$22,770
Northeastern Hospital of Philadelphia	$35,420
Northwestern General Hospital Philadelphia	$19,550
Ohio Valley General Hospital McKees Rocks	$26,220
Oil City Hospital	$27,025
Packer Mary M Hospital Sunbury	$32,660
Packer Robert Hospital Sayre	$136,275
Passavant Hospital Pittsburgh	$54,700
Pennsylvania Epileptic Hospital and Colony Farm Oakburne	$46,000
Pennsylvania Hospital of Philadelphia—(Contributors)	$154,100
Philadelphia College of Osteopathy and Osteopathic Hospital of Philadelphia	$7,900
Philadelphia Orthopaedic Hospital and Infirmary	$70,265
Phoenixville Hospital	$22,425
Pittsburgh Hospital Association	$69,000
Pittston Hospital Association	$59,225
Pottstown Homeopathic Hospital	$12,535
Pottstown Hospital	$24,610
Pottsville Hospital	$69,000
Presbyterian Hospital Pittsburgh	$63,200
Providence Hospital of Beaver County	$10,500
Quakertown Hospital Association	$7,475
Reading Hospital	$107,985
Renovo Hospital	$7,245
Rochester General Hospital	$33,350
Rush Hospital for Consumptives Philadelphia	$73,600
Saint Christopher's Hospital for Children Philadelphia	$71,760
Saint Francis' Hospital Pittsburgh	$179,687.50
Saint John's General Hospital Pittsburgh	$50,025
Saint Joseph's Hospital Carbondale	$17,480
Saint Luke's Hospital South Bethlehem	$98,650
Saint Luke's and Children's Homeopathic Hospital Philadelphia	$94,800
Saint Vincent's Hospital Association Erie	$96,370
Sewickley Valley Hospital	$35,650
Somerset Community Hospital	$7,015
South Side Hospital Pittsburgh	$75,670
Spencer Hospital Meadville	$30,000
Stetson Hospital Philadelphia	$14,720
Suburban General Hospital Bellevue	$17,940
Taylor Hospital Association	$31,740
Taylor Hospital Ridley Park	$23,600
Temple University Hospital Philadelphia	$140,645
Titusville Hospital	$7,000
Tuberculosis League of Pittsburgh	$100,050
Uniontown Hospital	$63,250
University of Pennsylvania Hospital Philadelphia	$211,600

University of Pennsylvania—Graduate Hospital	$187,450
Warner Annie M Hospital Gettysburg	$11,615
Warren General Hospital	$21,850
Washington Hospital	$57,800
Wayne County Memorial Hospital Honesdale	$4,600
Waynesboro Hospital	$16,445
Western Pennsylvania Hospital Pittsburgh	$162,600
Westmoreland Hospital Association Greensburg	$55,350
West Side Hospital Association Scranton	$70,150
Wilkes-Barre General Hospital	$162,857.25
Wiliamsport Hospital	$87,860
Wills Eye Hospital Philadelphia	$86,900
Women's Homeopathic Hospital Philadelphia	$67,505
Women's Hospital of Philadelphia	$75,000
Women's Medical College Philadelphia	$78,660
Wyoming Valley Homeopathic Hospital Wilkes-Barre	$43,700
York Hospital	$97,825
Zem Zem Hospital for Crippled Children of Erie	$9,775

Section 2 In addition to the appropriation made by section one of this act the sum of two million eighty thousand five hundred fifty-one dollars and sixty-seven cents ($2,080,551.67) or so much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five to be by it paid to the hospitals designated in section one of this act for the purpose of the maintenance of such hospitals in the manner prescribed by law (except as hereinafter otherwise provided) at the rate of three dollars ($3.00) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five who were entitled to free service and for each day of part pay service such proportion of the three dollars ($3.00) per diem rate as the part of the regular charge which the person treated was not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Of the sum herein appropriated so much thereof shall be payable to each respective hospital as represents the obligated balance of the maintenance appropriation made to such hospital by the General Assembly at its regular session of one thousand nine hundred thirty-three for the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which remained unexpended on May thirty-first one thousand nine hundred thirty-five because of insufficient revenues in the General Fund The amount payable to any hospital from this appropriation shall be determined by the Department of Welfare with the approval of the Governor

Any law to the contrary notwithstanding amounts payable to hospitals out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Deparment of Welfare thereunder shall be paid to any hospital therein named if such hospital is a denominational or sectarian institution or corporation or association

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. COHEN. Mr. Speaker and members of the House, this bill represents the study of the Committee on Appropriations for appropriations to state-aided hospitals.

Sometime ago there was laid upon the members' desks a study of the Appropriation Committee which I think drew important and informative facts to the attention of the membership of this House.

Mr. Speaker, I ask that a copy of that study be printed in the appendix of the Legislative Journal.

The SPEAKER. The "Summary of a study of State aid to private hospitals" will be noted in the Journal and printed in the Appendix to the Legislative Journal.

Mr. TROUT. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. COHEN. Mr. Speaker, I will.

Mr. TROUT. I would like to ask the gentleman, Mr. Speaker, whether the appropriation bill now before the House is that for State Teachers Colleges?

Mr. COHEN. No, Mr. Speaker, it is not. It is for State-aided hospitals.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Male,	Shaw,
Alexander,	Falkenstein,	Mallen,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Siegel,
Arnold,	Flanagan,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffcnnach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Schrock,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2691, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers of the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights fo way through State Game Refuges and Game Farms modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contracts with the Commonwealth from requiring or receiving refunds of part of any minimum wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

On the question,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 3, line 4 of the title by inserting after the work "institutions" and before the word "and" the following: "authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings, equipment, land and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; abolishing the Board of Trustees of Home for Training in Speech of Deaf Children; amplifying the powers of the Department of Public Instruction relating to professional education and licensure; eliminating the State Aeronautics Commission".

Amend section 1, page 3, line 4 by inserting after the word "Sections" and before the figure "221" the following: "202".

Amend section 1, page 3, line 4 by inserting after the figure "222" and before the figure "444" the following: "401".

Amend section 1, page 3, line 4 by inserting after the figure "444" and before the figure "511" the following: "508".

Amend section 1, page 3, line 4 by inserting after the figure "522" and before the figure "1402" the following: "1304, 1311".

Amend section 1, page 3, line 5 by inserting after the figure "2320" and before the figure "2404" the following: "2402".

Amend section 1, page 3, line 5 by inserting after the figure "2407" and before the figure "2409" the following: "2408".

Amend Section 1, page 4 by inserting between lines 5 and 6 the following section:

"Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State, State Employes' Retirement Board;

In the Department of Justice, Board of Pardons, Board of Commissioners on Uniform State Laws;

In the Treasury Department, Board of Finance and Revenue;

In the Department of Internal Affairs, Board of Property, [State Aeronautics Commission];

In the Department of Public Instruction, State Council of Education, Pennsylvania State Board of Censors, Public School Employes' Retirement Board, Pennsylvania Historical Commission, Board of Trustees of Thaddeus Stevens Industrial School, Board of Trustees of Pennsylvania State Oral School for the Deaf, [Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age, which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children], Board of Trustees of Pennsylvania Soldiers' Orphan School, Board of Trustees of West Chester State Teachers' College, Board of Trustees of Millersville State Teachers' College, Board of Trustees of Kutztown State Teachers' College, Board of Trustees of East Stroudsburg State Teachers' College, Board of Trustees of Mansfield State Teachers' College, Board of Trustees of Bloomsburg State Teachers' College, Board of Trustees of Shippensburg State Teachers' College, Board of Trustees of Lock Haven State Teachers' College, Board of Trustees of Indiana State Teachers' College, Board of Trustees of California State Teachers' College, Board of Trustees of Slippery Rock State Teachers' College, Board of Trustees of Edinboro State Teachers' College, Board of Trustees of Clarion State Teachers' College, Board of Trustees of Cheyney Training School for Teachers, State Board fo Medical Education and Licensure, State Board of Pharmacy, State Dental Council and Examining Board, State Board of Optometrical Examiners, State Board of Osteopathic Examiners, Osteopatic Surgeons' Examining Board, State Board of Examiners for the Registration of Nurses, State Board of Undertakers, State Board of Veterinary Medical Examiners, State Board for the Examination of Public Accountants, State Board of Examiners of Architects, Anthracite Mine Inspectors' Examining Board, Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania, State Registration Board for Professional Engineers;

In the Department of Military Affairs, Armory Board of the State of Pennsylvania, Board of Trustees of Pennsylvania Soldiers' and Sailors' Home, State Athletic Commission;

In the Department of Banking, Board to License Private Bankers, Pennsylvania Securities Commission;

In the Department of Agriculture, State Farm Products Show Commission;

In the Department of Forests and Waters, Water and Power Resources Board, Geographic Board, Lake Erie and Ohio River Canal Board, Pennsylvania State Park and

Harbor Commission of Erie, Washington Crossing Park Commission, Valley Forge Park Commission, Fort Washington Park Commission;

In the Department of Mines, Anthracite Mine Inspectors, Bituminous Mine Inspectors;

In the Department of Highways, State Bridge Commission;

In the Department fo Health, Sanitary Water Board, Anatomical Board;

In the Department of Labor and Industry, Workmen's Compensation Board, Workmen's Compensation Referees, State Workmen's Insurance Board;

In the Department of Welfare, State Council for the Blind, Pennsylvania Alcohol Permit Board, Board of Trustees of Eastern State Penitentiary, Board of Trustees of Western State Penitentiary, Board of Trustees of Pennsylvania Industrial Reformatory, hereafter to be known as Board of Trustees of Pennsylvania Industrial School, Board of Trustees of State Industrial Home for Women, Board of Trustees of Pennsylvania Training School, Board of Trustees of Allentown State Hospital, Board of Trustees of Danville State Hospital, Board of Trustees of Fairview State Hospital, Board of Trustees of Harrisburg State Hospital, Board of Trustees of Norristown State Hospital, Board of Trustees of Warren State Hospital, Board of Trustees of Wernersville State Hospital, Board of Trustees of Torrance State Hospital, Board of Trustees of Ashland State Hospital, Board of Trustees of Blossburg State Hospital, Board of Trustees of Coaldale State Hospital, Board of Trustees of Connellsville State Hospital, Board of Trustees of Hazleton State Hospital, Board of Trustees of Locust Mountain State Hospital, Board of Trustees of Nanticoke State Hospital, Board of Trustees of Philipsburg State Hospital, Board of Trustees of Scranton State Hospital, Board of Trustees of Shamokin State Hospital, Board of Trustees of Laurelton State Village, Board of Trustees of Pennhurst State School, Board of Trustees of Polk State School, Board of Trustees of Cumberland Valley State Institution for Mental Defectives, Board of Trustees of Selinsgrove State Colony for Epileptics;

In the Department of Property and Supplies, Board of Commissioners of Public Grounds and Buildings, State Art Commission.

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act"

Amend section 1, page 5 by inserting between lines 12 and 13 the following section:

"Section 401. Board of Trustees of State Institutions.—The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

The terms of the members of each such board shall be four years, and until their successors are qualified.

Five members of any such board shall constitute a quorum.

Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person. This section shall apply to:

Board of Trustees of Thaddeus Stevens Industrial School, Board of Trustees of Pennsylvania State Oral School for the Deaf, [Board of Trustees of Home for Training in Speech of Deaf Children,] Board of Trustees of Pennsylvania Soldiers' Orphan School, Board of Trustees of West Chester State Teachers' College, Board of Trustees of Millersville State Teachers' College, Board of Trustees of Kutztown State Teachers' College, Board of Trustees of East Stroudsburg State Teachers' College, Board of Trustees of Mansfield State Teachers' College, Board of Trustees of Bloomsburg State Teachers' College, Board of Trustees of Shippensburg State Teachers' College, Board of Trustees of Lock Haven State Teachers' College, Board of Trustees of Indiana State Teachers' College, Board of Trustees of California State Teachers' College, Board of Trustees of Slippery Rock State Teachers' College, Board of Trustees of Edinboro State Teachers' College, Board of Trustees of Clarion State Teachers' College, Board of Trustees of Cheyney Training School for Teachers, Board of Trustees of Pennsylvania Soldiers' and Sailors' Home, Board of Trustees of Eastern State Penitentiary, Board of Trustees of Western State Penitentiary, Board of Trustees of Pennsylvania Industrial School Board of Trustees of State Industrial Home for Women, Board of Trustees of Pennsylvania Training School, Board of Trustees of Allentown State Hospital, Board of Trustees of Danville State Hospital, Board of Trustees of Farview State Hospital, Board of Trustees of Harrisburg State Hospital, Board of Trustees of Norristown State Hospital, Board of Trustees of Warren State Hospital, Board of Trustees of Wernersville State Hospital, Board of Trustees of Torrance State Hospital, Board of Trustees of Ashland State Hospital, Board of Trustees of Blossburg State Hospital, Board of Trustees of Coaldale State Hospital, Board of Trustees of Connellsville State Hospital, Board of Trustees of Hazleton State Hospital, Board of Trustees of Locust Mountain State Hospital, Board of Trustees of Nanticoke State Hospital, Board of Trustees of Philipsburg State Hospital, Board of Trustees of Scranton State Hospital, Board of Trustees of Shamokin State Hospital, Board of Trustees of Laurelton State Village, Board of Trustees of Pennhurst State School, Board of Trustees of Polk State School, Board of Trustees of Cumberland Valley State Institution for Mental Defectives, Board of Trustees of Selinsgrove State Colony for Epileptics."

Amend section 1, page 6, line 12 by striking out after the word "their" and before the word "traveling" the following: "[necessity]" and inserting in lieu thereof the following: "necessary"

Amend section 1, page 6, by inserting between lines 20 and 21 the following section:

"Section 508. Erection, Repairs, or Alterations of and Additions to Buildings.—(a) No administrative department, except the Department of Property and Supplies, and no administrative board or commission, shall, except as in this act otherwise specifically provided, erect or construct, or contract for the erection or construction of, any new building, or make, or contract for making, any alterations or additions to an existing building, involving an expenditure of more than [ten thousand dollars ($10,000)] one thousand dollars ($1,000), and, in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings, or make alterations or additions, such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies.

[(b) All repairs to or alterations of existing buildings of the Commonwealth, involving expenditures of more than one thousand dollars ($1,000), shall be subject to inspection by, and the general supervision of, the Department of Property and Supplies, which shall be notified thereof at least ten days prior to the execution of the contract, or if the work is not to be done under contract, then at least ten days prior to the commencement of the work, and all plans and specifications for repairs to or alterations of buildings, under the control of departmental administrative boards and commissions, shall be subject to approval by the departments with which such boards or commissions are respectively connected.]

(b) The Department of Property and Supplies shall made at least once every two fiscal years a survey of all buildings equipment land and improvements connected with and comprising each State institution. After making any survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements alterations and additions to its buildings land and equipment. The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution. Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of and repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject

to the approval of the department, board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of building used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above-mentioned matters by the department with which the board or commission is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions, if, in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients."

Amend section 1, page 9 by inserting between lines 16 and 17 the following sections:

"Section 1304. Professional Educational and Licensure.—The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of medicine, dentistry, and pharmacy in this Commonwealth;

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations, at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient;

(e) To establish reciprocity with other States as regards preliminary education and professional licenses;

(f) To determine and publish a standard high school course, to compile, cause to be published, from time to time, a list of elementary and secondary schools in this state, which conform to the official standards promulgated by the department, and take such steps as may be appropriate to raise the standard of elementary and secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the practice of medicine, dentistry, or pharmacy respectively;

(g) To keep the records of all of the professional examining boards established in the department;

(h) To issue all certificates and other official documents of the various professional examining boards in the department: Provided, however, That the officers and members, or any of them, of any such examining board, may also sign such certificates and other documents, if such board shall have taken action authorizing such signatures;

(i) To assist any professional examining board within the department, if, as and when, requested by such board;

(j) To cooperate with the several professions whose examining bodies are within the department, in the determination and establishment of standards of professional education;

(k) Whenever under any act of Assembly, enacted at the session of the General Assembly at which this act was passed, or at any subsequent session of the General Assembly, the right to practice any profession, or work at any trade or occupation, shall be conditioned upon examination, licensure, or registration, to hold such examinations, make such investigations, require such information, and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, and, in proper cases, to issue licenses and certificates of registration. In performing its duties under this clause, the department shall appoint an advisory committee of not more than five members, of each profession, trade ,or occupation, applicants to practice or work at which are examined and licensed hereunder. Each such committee shall assist the department in holding examinations, and passing upon information submitted. In cases in which there is a State association of the profession, trade, or occupation for which an advisory committee is to be selected hereunder, such State association may submit to the department, from time to time, a list of ten names of persons qualified for appointment on such committee and the department's selection of a committee, or of persons to fill vacancies thereon, shall be made from the names submitted. Members of every advisory committee, appointed by the department under the authority hereby conferred, shall serve at the pleasure of the department, and shall be compensated at the rate of fifteen dollars per diem for each day of services rendered to the department, and shall receive the expenses actually incurred by them while engaged in assisting the department, as herein provided, the payment of such expenses, however, to be subject to the rules and regulations of the Executive Board;

(l) To enforce the provisions of the several acts relating to the occupations and professions administered by the department and the professional examining boards within the department.

Section 1311. Boards of Trustees of State Institutions Within the Department.—The boards of trustees of the several State Normal Schools or Teachers Colleges, the Board of Trustees of the Cheyney Training School for Teachers, the Board of Trustees of Pennsylvania State Oral School for the Deaf, [the Board of Trustees of Home for Training in Speech of Deaf Children,] the Board of Trustees of Pennsylvania Soldiers' Orphan School, and the Board of Trustees of Thaddeus Stevens Industrial School, shall have general direction and control of the property and management of their respective institutions. Each of the said boards of trustees shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager;

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Superintendent of Public Instruction, to make such by-laws, rules, and regulationslations for the management of the institution as it may deem advisable."

Amend Section 1, page 23 by inserting between lines 2 and 3 the following section:

"Section 2402. Grounds, Building and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided;

(b) To employ such captains, sergeants of police, and police officers, as may be necessary to preserve good order in the Capitol grounds and buildings, and fix their compensation: Provided, however, That the number and compensation of such captains, sergeants and officers shall be subject to the approval of the Governor. Such captains, sergeants and officers shall be known as the Capitol Police.

(c) To employ such help as may be reasonably necessary for the cleaning, care, and preservation of the Capitol grounds and buildings, and the furnishings therein, for operating the mechanical plants in the Capitol buildings and

the Executive Mansion, and for service at the Executive Mansion;

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefore, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State Government to enter into any leases, but the Department of Property and Supplies shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds.

(e) To employ and, with the approval of the Governor, fix the compensation of such capable superintendents of construction, engineers, or inspectors as may be necessary properly to supervise building, repairing, altering, adding to, or improving State buildings, in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies. Such superintendents, engineers, or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs, alterations, additions, or improvements to existing buildings, shall be faithfully carried out, and shall, subject to appeal to and final decision by the head of the department, define, determine, and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work.

(f) Out of funds appropriated to the department therefor, to purchase or condemn land, with or without buildings thereon, for the purpose of adding the same to any of the public lands or parks, or for use as sites for or in connection with arsenals, armories, military reservations, intermediate landing fields, hospitals, normal schools, teachers' colleges, penal or correctional institutions, or other institutions of the Commonwealth, whenever, in the judgment of the Governor, the purchase or condemnation of such land is necessary, or whenever such purchase or condemnation shall have been authorized by law, and an appropriation shall have been made therefor. The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six), entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law, or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor," its amendments and supplements. Except as otherwise in this act expressly provided, no other department, board, or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid, any other act of assembly heretofore enacted to the contrary notwithstanding.

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law, and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected: Provided, That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies, the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board;

(h) Whenever loss or damage by fire or other casualty shall occur to any structure, building, equipment, or other property owned by the Commonwealth, and be reported to the department, to make an examination thereof, and, in its discretion, subject only to the approval of the Governor, to rebuild, restore, or replace the property damaged or destroyed, and, for that purpose, to have plans and specifications prepared and contracts executed, and to supervise the erection, construction, or replacement thereof, such rebuilding, restoration, or replacement to be in substantial accord with the original character, use, and purpose of the property damaged or destroyed. The cost of the materials furnished, and work and labor performed, under such contracts, shall be certified by the department to the Auditor General, who shall issue his warrant against the Insurance Fund of this Commonwealth, which warrant shall be paid by the State Treasurer, in the manner provided by law: Provided, That whenever the department shall have taken such action as will involve expenditures from said fund, it shall forthwith certify the probable amount of expenditure to the State Treasurer, who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into.

(i) To rent to individuals, firms, or corporations, such real estate, owned by the Commonwealth, as is not being used in connection with the work of any department, board, or commission thereof, upon such terms and conditions as the Secretary of Property and Supplies may prescribe, with the approval of the Governor in writing: Provided, however, That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year.

(j) From time to time, to rent to persons, associations, or corporations, upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings, the auditorium in the South Office Building, Number Two, when it shall not be required for the Commonwealth's use.

(k) To establish standards for the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building."

Amend Section 1, page 25, line 28 by striking out at the end of the line after the word "Supplies" the word: "[with]"

Amend Section 1, page 25 by striking out line 29.

Amend Section 1, page 26, line 1 by striking out at the beginning of the line before the word "shall" the words: "[Grounds and Buildings]"

Amend Section 1, page 29, line 25 by underscoring the words "at cost"

Amend Section 1, page 34, by inserting between lines 25 and 26, the following section:

"Section 2408. Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings.—Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies, or to any administrative board or commission, for the erection of new buildings, or sewage or filtration plants, other service systems, or athletic fields, or other structures, or for alterations or additions, or repairs to existing buildings, or to such plants, systems, fields, or structures, to cost more than [ten thousand dollars ($10,000)] one thousand dollars ($1,000), the following procedure shall apply, unless the work is to be done by State employes, or by inmates or patients of a State institution or State institutions, or unless the department, board, or commission to which the General Assembly has appropriated money for the foregoing purposes is, by this act or by the act making the appropriation, authorized to erect, alter, or enlarge buildings independently of the Department of Property and Supplies, or under a different procedure:

(a) If the appropriation is to a department other than

the Department of Property and Supplies, or to a board or commission, such department, board, or commission shall notify the Department of Property and Supplies as soon as it is ready, to have plans and specifications for the work prepared;

(b)Promptly after such notice, in such cases, or promptly after any appropriation made to it becomes available, the Department of Property and Supplies shall select an architect and, if necessary, an engineer, or both, to design the work, and prepare the specifications therefor, but in the case of building to be done for the use of any other department, or any board or commission (unless the building is on the Capitol grounds), the selection of the architect and engineer, if any, shall be subject to approval by such department, board, or commission, and, in case of departmental administrative boards or commissions, by the departments with which such boards or commissions are respectively connected. Any architect or engineer, so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval;

(c) The Department of Property and Supplies shall enter into a contract with the architect [and] or engineer [if any] which shall provide a date for the completion of the plans and specifications, and that the plans and specifications must meet with the approval of the department, board or commission for which the building is being erected, altered, or enlarged (unless the building is on the Capitol grounds), and, in the case of departmental administrative boards or commissions, of the departments with nected, to the extent of the type and general character of which such boards or commissions are respectively conthe building, the floor layouts, radiation, natural light, artificial illumination, ventilation, medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared, that the plans, drawings and specifications must be approved by the Department of Property and Supplies, that the exterior design of the building must be approved by the State Art Commission, and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health, to the extent to which those departments, respectively, have jurisdiction to require the submission to them for approval of certain features of the buildings. Such architect [and] or engineer [if any,] in preparing plans and specifications, shall consult with the department, board, or commission for which the building is to be erected, altered or enlarged [(unless the building is on the Capitol grounds)], but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications, within the time prescribed in the architect's [and] or engineer's contracts, unless it shall agree to an extension thereof.

Every department, board, or commission, whose approval of plans [or] and specifications is required hereunder, shall, within [sixty] twenty days after submission thereof by the architect, or engineer, approve or disapprove all sketches, drawings, specifications, and other documents, and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work.

(d) Upon the completion of the plans and specifications, and their approval by all necessary State agencies, the Department of Property and Supplies shall invite proposals, by advertisements inserted at least three times in not less than six or more than twelve newspapers or large general circulation in different parts of the Commonwealth. The first and last publications of any such advertisement shall be at least ten days apart, and the department shall not advertise hereunder in more than three newspapers in the same county.

(e) The department may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, and, if so, for what parts, shall rest within the sole discretion of the department.

(f) All proposals shall be accompanied by certificate or bank checks, in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement, and shall be publicly opened and tabulated at the time and place specified in the advertisement.

(g) The department shall, as soon as practicable, award the contracts to the lowest responsible qualified bidder, but it shall have the right to reject any or all bids, to waive technical defects and to accept or reject any part of any bid, if in the judgment of the department, the best interests of the Commonwealth shall require it.

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank checks as prescribed by the department at the time of advertising. A bidder who shall have accompanied his proposal with a certified or bank check, as aforesaid, and to whom a contract shall have been awarded, must, within ten days after such award, substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work, as shall have been prescribed by the department in its invitation for proposals, and additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work, as prescribed by the department in its invitation for proposals, conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the material or labor enter into and become component parts of the building. Such additional bond shall be held by the Department of Property and Supplies for the use of every party who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor; and, among other things, shall provide specifically that any such party may bring a suit thereon, in the name of the Commonwealth, for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due, and have execution thereon: Provided, however, That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit. Each surety bond, required hereunder, shall have as surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice.

(i) No contract shall be valid or effective unless a certified copy thereof, detail break-down sheet of the work, and contract price of the work involved, shall have been filed in the offices of the Auditor General, the State Treasurer, and the department, board, or commission for which the work is to be done, promptly after the execution of the contract.

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies. In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract, and on the specifications, such disagreement shall be subject to decision by the Department of Justice, and its decision shall be final.

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section, and, if they are correct, the department shall certify that the materials have been furnished, or that the work or labor has been performed in a workmanlike manner and in accordance with the contract, approve the bills, and issue its requisition therefor, or forward its certificate to the proper department, board, or commission, as the case may be.

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers, whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected, altered, or enlarged by the department hereunder.

(m) Changes in the plans and specifications, or both, may be made after their approval, only with the consent of all of the departments, boards and commissions whose approval of the original plans or specifications, or both, was necessary hereunder.

(n) If the appropriation is to be a department, other than the Department of Property and Supplies, or to a

board or commission, the Department of Property and Supplies shall award and enter into the contract as agent for the department, board, or commission to which the appropriation was made."

Amend Section 1, page 43, line 5 by striking out at the end thereof, after the word "disapproval", the words "[at its]"

Amend Section 1, page 43, line 6 by striking out at the beginning thereof, before the word "Provided" the words "[next meeting]"

Amend Section 1, page 43, line 12 by striking out after the word "Game" and before the word "and" the word "[Refuges]" and inserting in lieu thereof, the word "Lands"

Amend Section 1, page 43, line 14 by striking out after the word "lands" and before the word "without" the word "[with or]" and inserting in lieu thereof, the words "with or"

Amend Section 1, page 43, line 15 by striking out at the beginning thereof, before the word "gift," the word "[or]"

Amend Section 1, page 43, line 15, by inserting after the word "[and]" and before the word "to," the word "or condemnation"

Amend Section 1, page 43, line 16 by inserting after the word "Refuges" and before the word "and", the words "Public Hunting Grounds"

Amend Section 1, page 43, line 16 by inserting after the word "protection" and before the word "and", the word "hunting"

Amend Section 1, page 43, line 19 by striking out at the beginning thereof, before the word "and," the word "[Refuges]" and inserting in lieu thereof, the word "Lands"

Amend Section 2, page 44, line 1, by striking out after the word "effective" and before the word "the" the word "[on]" and inserting the lieu thereof, the words "immediately upon its final enactment and shall be retroactive to"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

TIME EXTENDED ON BILL

Mr. CAPUTO. Mr. Speaker, I move that the time on House Bill No. 2655, Printer's No. 1751, entitled:

An Act providing for the creation of public "Authorities" in boroughs; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

on page 22 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. ZAPPALA, from the Committee on Corporations, reported as committed, House Bill No. 2954 (Senate Bill No. 1416), entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

Mr. DILLEY, from the Committee on Judiciary General, re-reported as amended, House Bill No. 306, entitled:

An Act providing for the registration of milk bottles and containers forbidding refilling using selling purchasing giving taking retaining destroying disposing of trafficking in same without the written consent of owners imposing penalties fines and imprisonment providing for issuing process in the nature of a search warrant providing what shall constitute prima facie proof forbidding defacement covering up removing or concealing name mark or device defining procedure providing disposition of fines providing that appeal will not invalidate conviction for second offence but that sentence shall await decisions of appeal providing that the requiring taking or accepting a deposit shall not be deemed a sale providing that registration prior to this act entitled registrants to benefits of act and providing for the transfer of certificates of registration.

BILL ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bill was read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2954 (Senate Bill No. 1416), entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribed and conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" requiring articles for the incorporation of certain

cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Mr. MELCHIORRE asked and obtained unanimous consent to call up out of of order House Bill No. 1563, Printer's No. 1418, on page 4 of today's calendar, bills on second reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1653, as follows:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirteen hundred dollars ($1300) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Highways of this Commonwealth for the purpose of paying the amount of the verdict or verdicts awarded to any plaintiff or plaintiffs in an action in a District Court of the United States together with the costs of such action or actions against an employe of the Department of Highways who while on the business of such Department and while operating a motor vehicle the property of the Commonwealth on a highway of the Commonwealth injured the plaintiff and the insurance company carrying the liability insurance on such Commonwealth vehicle became insolvent and is unable to pay such verdict or costs Payments from said appropriation shall be made by requisition of the Department of Highways upon proof of such claim to the satisfaction of the Department of Highways and the Department of the Auditor General

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. KANE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. KANE. Mr. Speaker and members of the House, I am thoroughly satisfied from my personal check that the Chief Clerk had the roll correct on the last vote, and I, therefore, request that my remarks in regard to the roll call and the Deputy Attorney General be explunged from the record.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal and his previous remarks will be stricken from the record.

BILL ON FINAL PASSAGE

Mr. KOBELAK. Mr. Speaker, I desire to call up at this time House Bill No. 2544, Printer's No. 1166, on page 22. of today's calendar, bills on final passage postponed.

Agreeably to order,
The bill having been called up from the postponed calendar by Mr. KOBELAK.

The House resumed the consideration on final passage of House Bill No. 2544, entitled

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred sixty-two) as amended entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" by authorizing the State Workmen's Insurance Board to pay dividends in such proportion as it may determine by giving the said board the right to reject any risk and by authorizing the State Fund to write any form of Workmen's compensation or employes' liability insurance

On the question recurring,
Shall the bill pass finally?

BILL RECOMMITTED

Mr. KOBELAK. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study and amendment.

The motion was agreed to.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1595.

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one and providing certain exceptions

HOUSE BILL No. 1896.

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals

HOUSE BILL No. 2586.

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on non-payment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the period of redemption of five years where land has been or is hereafter purchased by the county

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

TIME EXTENDED ON BILL

Mr. JONES. Mr. Speaker, I move that the time on House Bill No. 57, Printer's No. 759, entitled:

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are filed or appeals taken or reviews asked for and to the collection of damages in such proceedings

on page 46 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON SECOND READING

Mr. WOODSIDE. Mr. Speaker, I desire to call up at this time House Bill No. 1481, Senate Bill No. 53, Printer's No. 99, on page 12 of today's calendar, bills on second reading, which was passed over in order when the second reading calendar was before the House.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1481 (Senate Bill No. 53), entitled:

An Act to amend section eight of the act approval the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws four hundred eighty-three) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" as amended further regulating pleadings where a party to an action requires proof of the opposite party of facts which are under the exclusive control of the opposite party or the truth of which cannot be ascertained after reasonable investigation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. HARKINS asked and obtained unanimous consent to call up out of order House Bill No. 2219, Printer's No. 1394, on page 35 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2219, as follows:

An Act to further amend section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the compensation to be paid for controllers in school districts of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws six hundred seventy-nine) is hereby further amended to read as follows

Section 2623 The compensation for auditors in school districts of the second class shall together with suitable allowances for qualified assistants and for other necessary expenses be fixed by the board of school directors of said districts on application from time to time made by the auditors with itemized statements of services assistants and other necessary expenses and in school districts of the third class having the office of controller the com- dollars ($5.00) per day for each day necessarily spent by each auditor Provided That in any of school district of the third class having the office of controler the compensation of the controller shall by fifteen dollars ($15.00) per day for each day necessarily spent by him and the total expense of such auditing including the cost of filing the report advertising and other necessary costs shall be paid by the school district The compensation of any certified public accountants employed by any school district of the second and third class shall be fixed by the directors of such district and paid by the district

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend title, page 1, line 13, by inserting after the word "controllers" the following: "and accountants"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. TROUT asked and obtained unanimous consent to call up out of order House Bill No. 6, Printer's No. 24, on page 29 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 6, entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" limiting the compensation of registers of wills in the collection of transfer inheritance taxes.

On the question,

Will the House agree to the bill on third reading?

Mr. BURKE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 21, page 3, line 13 after the word "dollars" strick out the figures "($10,000)" and insert in lieu thereof the figures "($7,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. JOHN A. SMITH asked and obtained unanimous consent to call up out of order House Bill No. 895, Printer's No. 1329, on page 30 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 895, entitled:

An Act to amend section eight hundred and one, clause (a) of section eight hundred and two, and the last paragraph of section one thousand one hundred and five as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all pubilc officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the re-opening of tax settlements by the Department of Revenue under certain circumstances.

On the question,

Will the House agree to the bill on third reading?

Mr. JOHN A. SMITH. Mr. Speaker, I ask uninimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 5, line 12, by inserting after the figures "802" the following: "Procedure for Making Settlement"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. BURKE. Mr. Speaker, with the reference to House Bill No. 2900, Senate Bill No. 1346, Printer's No. 605, on page 39 of today's calendar, bills on third reading. I direct the Speaker's attention to an error in this bill on page 3, line 26.

The SPEAKER. The Chair will direct the Clerk to correct the error.

HOUSE BILL NO. 1342 MADE A SPECIAL ORDER

Mr. BURKE. Mr. Speaker, I move that House Bill No. 1342, Printer's No. 999.

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent providing the nature of public liability policy which may be used as such proof providing for the regulation of the risk classifications underwriting rules premiums rates and schedule or merit rating plans of insurance companies issuing such policies providing penalties and repealing all inconsistent acts and parts of acts

which should be on today's final passage postponed calendar be made a special order of business on final passage on Monday, June 17, 1935 at 10:30 o'clock P. M.

The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that next Monday afternoon the House will convene at 3 o'clock instead of 9 o'clock in the evening. A resolution to that effect has already been adopted. There will be a very important session tomorrow and it is important that every member be present.

ADJOURNMENT

Mr. FLANAGAN. Mr. Speaker, I move that this House do now adjourn until 11:00 A. M.

The motion was agreed to and, (at 12:33 A. M.) the House adjourned until Thursday, June 13, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., THURSDAY, JUNE 13, 1935 No. 76

SENATE

THURSDAY, June 13, 1935.

The Senate met at 10 o'clock a. m.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Thou who rulest in equity and declarest righteous judgment, send down upon the Legislature of this State here lawfully convened the spirit of concord, purity and justice, that all false counsels and evil influences may be absent from the Assembly and that the servants of the people may be directed in wisdom and integrity, according to Thy laws.

So guide and prosper with Thy blessing whatsoever may be devised and enacted that it may redound to the honor and welfare of this Commonwealth, to the peace and prosperity of the whole Union and to the glory of Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceeding session.

The Clerk proceeded to read the Journal of the preceeding session, when, on motion of Mr. SONES, the further reading was dispensed with and the Journal was approved.

PETITIONS

URGING REDUCTION OF TAX ON REAL ESTATE

The Chair cleared its table and laid before the Senate petitions signed by numerous individuals throughout the State urging tax reduction on real estate.

Which were referred to the Committee on Finance.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION.

The Chair also presented petition signed by members of the Lebanon Presbyterian Church, Allegheny County, protesting against anti-sabbath legislation.

Which was referred to the Committee on State Government.

URGING REDUCTION OF TAX ON REAL ESTATE

Mr. RANKIN presented petition signed by ninety-four residents of McKeesport urging reduction of existing tax on real estate.

Which was referred to the Committee on Finance.

URGING SUPPORT OF SENATE BILL NO. 315

He also presented petition from the Unemployed Citizens' League of Allegheny County, favoring Senate Bill No. 315.

Which was referred to the Committee on Judiciary General.

FAVORING HOUSE RESOLUTION NO. 41

He also presented petition signed by various residents of Allegheny County favoring House Resolution No. 41.

Which was referred to the Committee on Public Utilities.

PROTESTING AGAINST SENATE BILL NO. 662

He also presented petition signed by thirty-four residents of Allegheny County protesting against Senate Bill No. 662.

Which was referred to the Committee on State Government.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 919 (Senate Bill No. 1628), entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15), entitled "Pennsylvania Liquor Control Act," permitting hotel, restaurant and club licenses to sell liquor for consumption off the premises at certain times and in restricted quantities.

Which was committed to the Committee on Law and Order.

House Bill No. 1805 (Senate Bill No. 1629), entitled:

An Act making an appropriation to aid certain school districts.

Which was committed to the Committee on Appropriations.

House Bill No. 1913 (Senate Bill No. 1630), entitled:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment, and provide productive work in factories and mines for the unemployed, the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons, to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress; imposing a penalty; and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 2034 (Senate Bill No. 1631), entitled:

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to supervise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

Which was committed to the Committee on State Government.

House Bill No. 2413 (Senate Bill No. 1632), entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the auhority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

Which was committed to the Committee on Public Utilities.

House Bill No. 2579 (Senate Bill No. 1633), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, defining the purposes of which such moneys may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Which was committed to the Committee on Appropriations.

House Bill No. 2714 (Senate Bill No. 1634), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

Which was committed to the Committee on Appropriations.

House Bill No. 2896 (Senate Bill No. 1635), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL NO. 563.

He also returned to the Senate, Senate Bill No. 563, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters, with the advice of the Bushy Run Battlefield Commission, of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation

with information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2586.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2586, entitled:

An Act to amend sections nine, fifteen and sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931," by extending the period of redemption to five years.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1896.

He also presented communication from the House of Representatitves informing the Senate that the House has concurred in amendments made by the Senate to House Bill No 1896, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1595.

He also presented communication from the House of Representatitves informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

MEMORIALIZING CONGRESS TO REJECT PROPOSED LEGISLATION CREATING A BRANCH BANKING SYSTEM.

He also presented communication from the House of Representatitves informing the Senate that the House had concurred in Resolution from the Senate, as follows:

In the Senate, March, 18, 1935.

Whereas. There is now pending before the Congress of the United States certain proposed legislation vitally affecting the banking system in this country and

Whereas, Among other provisions of this legislation is a provision authorizing the creation of branch banks which experience has proven is not a wise policy in this country,

Resolved. That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to reject any proposed legislation creating a branch banking system.

Resolved, That a copy of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this Senate.

RECESS

PRESENTATION TO THE SENATE OF FORMER LIEUTENANT-GOVERNOR LOUIS ARTHUR WATRES

The PRESIDENT. At this point during the session the Chair desires to officially declare a recess for five minutes, for the purpose of introducing and presenting to the Senate one of Pennsylvania's outstanding citizens, a man who graced this Senate by election to its body in 1883, a man who was elected Lieutenant-Governor in 1891, and who served under the then Democratic Governor, Robert Emory Pattison.

It is with a great deal of pleasure this morning I present that individual to you, in the person of Colonel Louis Arthur Watres, of Scranton.

RESPONSE OF FORMER LIEUTENANT-GOVERNOR LOUIS ARTHUR WATRES

Lieutenant-Governor Kennedy and Senators, this courtesy is certainly a surprise to me. I have had the privilege heretofore of doing just what your distinguished presiding officer has done—of introducing other people to the Senate. I am glad to be here, I am glad to see you, I am glad to say—well, I will not say the things I have in mind, because you might think I was throwing bouquets, and I am not; but I would say some fine things about the Senate. Let me tell you one fine thing which was said by another. He was one of those giants of the Senate of '83, William A. Wallace, of Clearfield, one of the biggest men in the Commonwealth. He was a Democrat, but I know a lot of good Democrats, and he was one of them.

He told me, as we sat in the Committee on Judiciary General—he said, "I have just finished a term of six years in the United States Senate, and I want to tell you," said he to me, "I enjoyed the State Senate of Pennsylvania more than I did the Senate of the United States—and I am proud of the body I am a member of," said he to me.

I thought that was a very proper tribute; and as time progressed—and I think I ought to say I was elected very young, because the calendar shows me one thing—I was elected in 1882; but as time progressed I was impressed with the truth of what Senator Wallace said, "The Senate of Pennsylvania has always—well, in speaking, perhaps, in parlance of the street—stood in a very dignified place before the people, and it stood without being hitched, so to speak."

The Senate of Pennsylvania is a fine body, and I want to congratulate this distinguished gentleman on not only his presiding over it but his presiding over it with ability, which is recognized and appreciated, whether they voted for him or not, by the people of Pennsylvania. I thank you for this courtesy which you have extended to me.

The PRESIDENT. Thank you, Colonel Watres. It is delightful to have you with us this morning.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE CONCURS IN SENATE BILL NO. 114.

He also returned to the Senate, Senate Bill No. 114, entitled:

An Act making an appropriation to the Trustees of Lincoln University Chester County

with information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1595, entitled:

An Act lapsing all unexpended or unencumbered balances of appropriations from the General Fund made by the General Assembly at its session of one thousand nine hundred and twenty-seven and prior sessions and at its sessions of one thousand nine hundred and twenty-nine and one thousand nine hundred and thirty-one.

House Bill No. 1896, entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in county and poor district hospitals.

House Bill No. 2586, entitled:

An Act to amend sections nine, fifteen and sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931," by extending the period of redemption to five years.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. REED (Dauphin) from the Committee on County Government reported as committed, Senate Bill No. 1430 (House Bill No. 248), entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class.

Also from the Committee on Labor and Industry reported as committed, Senate Bill No. 1530, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealng certain acts;" as amended, requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

Mr. GRAFF from the Committee on Game and Fisheries reported as amended, Senate Bill No. 91, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish

in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by adding section two hundred and fifty-nine, defining the power of the Board of Fish Commissioners to prohibit fishing at night time for trout or in streams containing trout.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE (Mr. John G. Homsher) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEE

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1629 (House Bill No. 1805), entitled:

An Act making an appropriation to aid certain school districts.

Also from the Committee on Appropriations reported as committed, as amended, Senate Bill No. 1633 (House Bill No. 2579), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation.

Also from the Committee on Appropriations reported as committed, as amended, Senate Bill No. 1634 (House Bill No. 2714), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1635 (House Bill No. 2896), entitled:

An Act making appropriations to the Department of Welfare for the maintenance of certain hospitals.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1240 (House Bill No. 3048), entitled:

An Act making an appropriation to the Alpha Fire Company Incorporated for the protection of the property of the Pennsylvania State College.

Mr. FREY from the Committee on State Government reported as amended, Senate Bill No. 1307, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof.

Mr. EALY from the Committee on Mines and Mining reported as amended, Senate Bill No. 336 (House Bill No. 117), entitled:

An Act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties imposing certain duties on the Department of Internal Affairs and providing penalties

Mr. PRINCE from the Committee on Agriculture reported as committed, Senate Bill No. 1516, entitled:

An Act for the protection of producers of farm produce; providing for the licensing and regulation of certain individuals and entities receiving, selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce; conferring powers and imposing duties on the Department of Agriculture, and otherwise providing for the administration of this act; providing for appeals and prescribing penalties.

Mr. McGINNIS from the Committee on Municipal Government reported as committed, Senate Bill No. 1044 (House Bill No. 1749), entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one as amended of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers.

Also from the Committee on Municipal Government reported os committed, Senate Bill No. 1277 (House Bill No. 2314), entitled:

An Act authorizing cities of the Second Class to issue and sell short term promissory notes.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 712, as follows:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the con-

duct of the business of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to nor register any corporation nor shall any corporation be permitted to conduct the business or profession of undertaking which has not already been licensed and registered

Section 2 This act shall become effective immediately upon its approval by the Governor

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Prince,	Sones,
Batchelor,	Howell,	Pytko,	Staudenmeier,
Baumer,	Huffman,	Rankin,	Thompson,
Bean,	Kahle,	Reed,	(Centre)
Cavalcante,	Lanius,	(Dauphin)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Clark,	Mallery,	(Washington)	Trainer,
Ealy,	McCreesh,	Rice,	Woodward,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Owlett,	Rupp,	Pres. Pro. Tem.
Harris,	Pierson,	Salus,	

NAYS—0

A majority of all the Senators having voted "aye" the the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 826 (House Bill No. 1278), on third reading, entitled:

An Act limiting the mileage cost for return of subpoenas in criminal cases to the trips actually made and imposing certain duties on controllers and district attorneys

will go over in its order.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1035, as follows:

An Act to amend the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to include a new section to be known as four hundred and ten B (410B) to read as follows

Section 410B Uniform provisions for contracts of annuities and pure endowment contracts On and after January first one thousand nine hundred thirty-six no annuity or pure endowment contract shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company except policies of industrial insurance where the premiums are payable monthly or oftener unless and until a copy of the form thereof has been filed with the Insurance Commissioner and formally approved by him Except in the case of a reversionary annuity otherwise called a survivorship annuity or an annuity contracted by an employer in behalf of his employes no annuity or pure endowment contract shall be so issued or delivered in this Commonwealth unless it contains in substance the following provisions

(a) A provision that there shall be a period of grace either of thirty days or of one month within which any stipulated payment to the company falling due after the first year may be made subject at the option of the company to an interest charge thereon at a rate to be specified in the contract but not exceeding six per centum per annum for the number of days of grace elapsing before such payment during which period of grace the contract shall continue in full force but in case a claim arises under the contract on account of death during the said period of grace before the overdue payment to the company or the deferred payments of the current year if any are made the amount of such payments with interest on any overdue payments may be deducted from any amount payable under the contract in settlement

(b) If statements other than those relating to age and identity are required as a condition of issuing the contract a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or each of the persons as to whom such statements are required for a period of two years from its date of issue except where stipulated payments to the company have not been made and except for violation of the conditions of the contract relating to military or naval service in time of war and at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant insurance specifically against death by accident may also be excepted

(c) A provision that such contract shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be indorsed upon or attached to such contract when issued and in such case such contract shall contain a provision that it together with the application therefor shall constitute the entire contract between the parties

(d) A provision that if the age of the person or persons upon whose life or lives the contract is based or of any of them has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct age or ages Any overpayment or overpayments by the company on account of misstatement of age shall with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum to be charged against the current or next succeeding payment or payments to be made by the company under the contract

(e) If the contract is participating a provision that the divisible surplus shall be apportioned annually and dividends shall be payable in cash or shall be applicable

to any stipulated payment or payments to the company under the contract

(f) A provision that if the contract after having been in force for three full years shall by its terms lapse or become forfeited because any stipulated payment to the company shall not have been made the reserve on such contract computed according to the standard adopted by said company in accordance with section three hundred and one of this Act shall after deducting one-fifth of the said entire reserve and any indebtedness to the company under the contract be applied as a net single payment according to said standard for the purchase of a paid up annuity or pure endowment contract which may be non-participating and which shall be payable by the company under the same terms and conditions except as to amount of the original contract A company may provide in lieu of said paid up values for a paid up annuity or pure endowment contract in an amount bearing the same proportion to the original annuity or pure endowment contract as the number of stipulated payments which shall have been made to the company shall bear to the total number of stipulated payments required to be made to the company under the contract and if there be any indebtedness to the company under the contract the amount of such paid up annuity or pure endowment shall be reduced by an amount bearing the same proportion to such paid up annuity or pure endowment as such indebtedness bears to the reserve on such paid up annuity or pure endowment computed according to the standard adopted by said company in accordance with section three hundred and one of an Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) as amended

(g) A provision that the contract may be reinstated to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annually In cases where applicable a company may also include a requirement of evidence of insurability satisfactory to the company

No contract for a reversionary annuity shall be so issued or delivered unless it contains in substance the following provision

(1) Provisions (a) (b) (c) and (e) of this section except that under provision (a) the company may at its option provide for an equitable reduction of the amount of the annuity payments in settlement or an overdue or deferred payments in lieu of providing for a deduction of such payments from any amount payable upon a settlement under the contract

(2) A provision that if the age of any of the persons upon whose lives the contract is based has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct ages

(3) A provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the company upon production of evidence of insurability satisfactory to the company provided that all overdue payments and any indebtedness to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annually

Any of the foregoing provisions or portions thereof not applicable to non-participating contracts nor to contracts for which a single stipulated payment to the company is made shall to the extent not be incorporated therein and any such contract may be issued or delivered in this Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the holder of the contract than hereinbefore required

Nothing herein contained shall be construed to prevent a life insurance corporation which issues life insurance on a participating basis from issuing annuities reversionary annuities or pure endowments on a non-participating basis

Any such contract or any application endorsement or rider form used in connection therewith issued in violation of this section shall nevertheless be held valid but shall be construed as provided in this section and when any provision in such contract application endorsement or rider is in conflict with any provision of this section or with any other statutory provision the rights duties and obligations of the company of the holder of the contract and of the beneficiary or annuity thereunder shall be governed by the provisions of this section The provisions of this section shall not apply to contracts of reinsurance nor to contracts for deferred annuities or reversionary annuities included in life insurance policies

For the purposes of this section application forms rider forms and endorsement forms for use in connection with any such contract excepting riders or endorsements relating to the manner of distribution of benefits or to the reservation of rights and benefits under any such contract and used at the request of the individual holders of such contracts shall be deemed to be parts of such contracts and shall require the approval of the Insurance Commissioner No rider and no endorsement except as stated above shall be attached to or printed or stamped upon any such contract issued or delivered in this Commonwealth until the form of such rider or endorsement has been filed with the Insurance Commissioner and formally approved by him

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Prince,	Sones,
Baumer,	Howell,	Pytko,	Staudenmeier,
Batchelor,	Huffman,	Rankin,	Thompson,
Bean,	Kahle,	Reed,	(Centre)
Cavalcante,	Lanius,	(Washington)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Clark,	Mallery,	(Dauphin)	Trainer,
Ealy,	McCreesh,	Rice,	Woodward.
Frey.	McGinnis,	Roberts,	Ziesenheim,
Gelder.	Miller,	Rodgers.	Homsher,
Graff,	Owlett,	Rupp,	Pres. Pro. Tem.
Harris,	Pierson,	Salus,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

The PRESIDENT. Senate Bill No. 1601, on final passage, entitled:

An Act authorizing the payment of certain state taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

is not up from the printer and will go over in its order.

The PRESIDENT. Senate Bill No. 1602, on final passage, entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

is not up from the printer and will go over in its order.

BILLS INTRODUCED

Mr. CLARK. Mr. President. I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, read in place and presented to the Chair Senate Bill No. 1636, entitled:

An Act making an appropriation for the payment of the salaries of Members of the Senate and House of Representatives elected to fill vacancies happening during the Session of the General Assembly of one thousand nine hundred and thirty-five.

Which was committed to the Committee on Appropriations.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 467, entitled:

An Act making an appropriation to the General Hospital East Stroudsburg Monroe County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Prince,	Sones,
Batchelor,	Howell,	Pytko,	Staudenmeier,
Baumer,	Huffman,	Rankin,	Thompson,
Bean,	Kahle,	Reed,	(Centre)
Cavalcante,	Lanius,	(Dauphin)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Clark,	Mallery,	(Washington)	Trainer,
Daly,	McCreesh,	Rice,	Woodward,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Owlett,	Rupp,	Pres. Pro. Tem.
Harris,	Pierson,	Salus,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for consurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 837 (House Bill No. 1798), entitled:

An Act to promote public morals abolishing civil causes of actions for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such contract or payment thereunder or institution of suit thereon and providing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Prince,	Sones,
Batchelor,	Howell,	Pytko,	Staudenmeier,
Baumer,	Huffman,	Rankin,	Thompson,
Bean,	Kahle,	Reed,	(Centre)
Cavalcante,	Lanius,	(Dauphin)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Clark,	Mallery,	(Washington)	Trainer,
Daly,	McCreesh,	Rice,	Woodward,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Owlett,	Rupp,	Pres. Pro Tem,
Harris,	Pierson,	Salus,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. ARON. Mr. President, I ask unanimous consent that Senate Bill No. 859 (House Bill No. 1567) on third reading, entitled:

An Act to amend the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by requiring city fiscal records to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 896, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for consurrence.

BILLS RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 912 (House Bill No. 1588), on third reading, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 913 (House Bill No. 1589), on third, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 914 (House Bill No. 1590), on third reading, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 915 (House Bill No. 1592), on third reading, entitled:

An Act making an appropriation of moneys in the Motor License fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 916 (House Bill No. 1596), on third reading, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 917 (House Bill No. 1597), on third reading, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement Sysytem with respect to State employes receiving compensaion from the Game Fund.

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 918 (House Bill No. 1599), on third reading, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 919 (House Bill No. 1606), on third reading, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. CLARK. Mr. President, I move that Senate Bill No. 920 (House Bill No. 1607), on third reading entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of costs incurred by that department in acting as purchasing agent for the Department of Highways

be recommitted to the Committee on Appropriations.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 977 (House Bill No. 1005), entitled:

An Act requiring tax collectors of townships of the first class to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RESOLUTION RETURNING TO THE GOVERNOR HOUSE BILL NO. 1962.

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatitves, which was twice read as follows:

In the House of Representatives, June 13, 1935.

Resolved (if the Senate concur), That House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 70.1, 70.1, 70.2, and 73 to the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and foreitures for violation thereof' further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the 'Board of Plumbing Supervision of the Department of Health' therein and giving them certain powers and duties relative thereto"

be returned to the Governor without amendment.

Mr. ARON. Mr. President, I move the adoption of the Resolution.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1625, entitled:

An Act requiring the compensation of all deputy sheriffs to be paid by the counties in which they are employed, prohibiting all contracts and agreements for the payment thereof by any person, copartnership, association or corporation, except by reimbursing the county, and fixing penalties.

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1636, entitled:

An Act making an appropriation for the payment of the salaries of members of the Senate and House of Representatives elected to fill vacancies happening during the Session of the General Assembly of one thousand nine hundred and thirty-five.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1051 (House Bill No. 979), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. ARON. Mr. President, I ask unanimous consent to amend section 35, page 48, line 9, by inserting a bracket before the letter "(c)": "[".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

The PRESIDENT. Senate Bill No. 1059 (House Bill No. 483), on third reading, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such township to prohibit and regulate the manufacture sale and exposure of fireworks and other inflammable materials imposing penalties and conferring the right to proceed in equity in exercise of the powers conferred hereby

go over in its order.

The PRESIDENT. Senate Bill No. 1124 (House Bill No. 2134), on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1148 (House Bill No. 893), entitled:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities except of the second class A boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period.

And said bill having been read at length the third time and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1158 (House Bill No. 2138), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunites of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person thereof and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

The PRESIDENT. Senate Bill No. 1179 (House Bill No. 290), on third reading, entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by providing for the payment of borough funds only upon

orders and only when there are sufficient funds available for the payment of such orders

will go over in its order.

The PRESIDENT. Senate Bill No. 1181 (House Bill No. 926, on third reading, entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi municipal corporations which levy their taxes on county assesments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest, and restricting the expenditure of such tax moneys: regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas; and providing for the disposition of funds heretofore paid into court

is not up from the printer and will go over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1195 (House Bill No. 2332), entitled:

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Steudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Daly,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1227 (House Bill No. 2051), on third reading, entitled:

An Act to amend section one as amended and section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain township bridges and by adding thereto a new section providing for the retention of certain bridges by the county under certain conditions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1229 (House Bill No. 2056), on third reading, entitled:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highways rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1242, as follows:

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure

to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" is hereby amended to read as follows

Section 4 The subordinate assessors shall make the assessment and valuations of all property taxable for State or county purposes together with a list of all persons taxable upon occupations within their respective districts and in so doing shall view all property in their districts taxable for such purposes and shall make a personal house-to-house canvass of their district in order that such lists of persons taxable upon occupations may be accurate and correct in so far as it is possible to so make them Provided however That for the assessment and valuation of all real property within the territorial limits of cities of the second class the Board of Assessors of said cities shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said Counties on or before the first day of January of each year a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities And provided further That in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery used in manufacturing in any mill or manufactory (of such property not included in the certified duplicate furnished annually by the Board of Assessors of said cities of the second class) All such assessors who shall fail to make such assessments and lists in the manner as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment not exceeding ninety days.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1311 (House Bill No. 2139), on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business

will go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1369 (House Bill No. 2212), entitled:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier.
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller.	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff.	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1398, entitled:

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier.
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1401 (House Bill No. 9), on third reading, entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thonsand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

will go over in order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1469, entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the Poor and/or the County Commissioners in the several Counties and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Prince,	Shapiro,
Batchelor,	Howell,	Pytko,	Sones,
Baumer,	Huffman,	Rankin,	Staudenmeier,
Bean,	Kahle,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McCreesh,	(Washington)	(Westmoreland)
Ealy,	McGinnis,	Rice,	Trainer,
Frey,	Miller,	Roberts,	Ziesenheim,
Gelder,	Owlett,	Rodgers,	Homsher,
Graff,	Pierson,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. BATCHELOR. Mr. President, I move that Senate Bill No. 1472 on third reading, entitled:

An Act defining the powers of persons partnerships associations or corporations operating cemeteries and burial grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

The PRESIDENT. Senate Bill No. 1480 (House Bill No. 2742), on third reading, entitled:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1482, entitled:

An Act to amend section one thousand three hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1489 (House Bill No. 1943), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill No. 1490 (House Bill No. 2048) on third reading, entitled:

An Act to amend Sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes

be recommitted to the Committee on Highways.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1492 (House Bill No. 2145), entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundrd three) entitled "An act relating to the form execution revocation and interpretation of will to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. REED (Dauphin). Mr. President, several of the Senators have inquired of me with respect to this bill. This bill yesterday, I think it was, or a few days ago, was very carefully considered by the Committee on Judiciary General. I presume everyone knows what the present law is with respect to charitable bequests. A charitable bequest is not valid if made within thirty days of death; and unless the signature of the testator is attested by two disinterested witnesses the bequest is likewise invalid.

This bill continues the thirty-day probation period, but strikes out the provision with respect to disinterested witnesses. There have been many appeals set aside, where it has been shown that charitable bequests are made to churches or other charitable organizations, merely because an attesting witness happens to have some slight interest in the corporation.

Personally, I believe that the bill needs no explanation, and I will not insist on explaining it if there is objection thereto.

Mr. SHAPIRO. Mr. President, I should like to read a

letter that I received from a judge of our Orphans Court in Philadelphia, to whom I wrote in connection with this bill. It might be of interest to the members of the Senate.

"This requirement does not achieve the purpose which is intended, namely, to prevent undue influence upon testators in favor of religious or charitable gifts. Usually, the witnesses to the will are present only at the act of signing. They have comparatively little contact with the testator and they are not in a position to prevent undue influence if it exists. If we are content to let property pass under wills generally, without attesting witnesses, there is no practical advantage in added formality when the property is going to religion or charity.

"The cases are many in which the laudable wishes of the testator have been frustrated because of the lack of witnesses or because the witness chosen had an interest which was so remote that it was forgotten. I do not believe that this provision in the Statute has ever prevented the executors of undue influence in favor of religious or charitable gifts.

"The above in answer to your letter of June 10th, sending me House Bill No. 2145, and asking me for memorandum or suggestion thereon. As requested, I return the Bill herein."

That is from a judge of our Orphans Court in Philadelphia. The judge says, "Of course, the above is only my personal opinion. I have had no opportunity to get an expression of opinion from my colleagues on this Act."

Mr. REED (Dauphin). Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, yes sir.

Mr. REED (Dauphin). Mr. President, I understand, then, that the Senator from Philadelphia, Mr. Shapiro, has no objection.

Mr. SHAPIRO. Mr. President, I have no objection to the bill; I think the bill ought to be passed, because from what I gathered from the letter of this judge of the Orphans Court the present Act has prevented the transfer of property because of the thirty-day provision.

Mr. REED (Dauphin). Mr. President, the Senator from Philadelphia, Mr. Shapiro, has expressed exactly, the letter from the distinguished member of the Orphans Court of Philadelphia precisely, what was in the minds of the members of the Committee on Judiciary Special. There was no question at all but that a testator may on his death bed be subject to certain influences; but that is entirely protected, because we retain the provision that a charitable bequest is void unless the testator survives the making of his will a period of thirty days. But there have been many instances where men who long before their death, and when in perfect health, have made wills in which this question arises, where the bequest is given to a charitable corporation such as a church and because the attesting witness, of high character, happened to be a trustee or other official of that church, or even a member of a church, the will is set aside. We believe that in the interest of public policy this Act as now amended will protect the public, and will carry out, as far as we reasonably should with assurance, the will of the testator.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECONSIDERATION OF SENATE BIIL NO. 1051 (HOUSE BILL NO. 979)

Mr. ARON. Mr. President, I move to reconsider the vote by which Senate Bill No. 1051 (House Bill No. 979), entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. ARON. Mr. President, I voted "aye".

Mr. COYNE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. COYNE. Mr. President, I voted "aye".

And the question recuring,

Will the Senate agree to the bill on third reading?

Mr. ARON. Mr. President, I ask unanimous consent to amend Sec. 35, page 48, line 8, by striking out the bracket after the word "officer".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

The PRESIDENT. This being an amendment that merely strikes out, the bill is on final passage and the Clerk will proceed to call the roll.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,

Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1509, entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue and defining its powers and duties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1518, on third reading, entitled:

An Act to amend section one of the act, approved the twenty-third day of April, one thousand nine hundred and nine (P. L. 159), entitled "An act prohibiting the buying, having, or receiving of stolen property, in the Commonwealth of Pennsylvania, and providing for the punishment thereof," by extending said act to cases where the defendant has reasonable cause to know such property was stolen or feloniously taken

will go over in its order.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1527, entitled:

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Aron,	Graff,	Miller,	Rice,
Batchelor,	Harris,	Owlett,	Roberts,
Baumer,	Harvey,	Pierson,	Rodgers,
Bean,	Howell,	Prince,	Rupp,
Cavalcante,	Huffman,	Pytko,	Shapiro,
Chapman,	Kahle,	Rankin,	Sones,
Clark,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Dauphin)	Homsher,
Frey,	McCreesh,	Reed,	Pres. Pro. Tem.
Gelder,	McGinnis,	(Washington)	

NAYS—2

Thompson,	Thompson,
(Centre)	(Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1528, entitled:

An Act to amend section thirteen of the act approved the nineteenth day of March, one thousand nine hundred and nine (Pamphlet Laws forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to provide for the examining the licensing of osteopaths in this State; and to provide penalties for the violation of this act" as amended; prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr." before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated?

Mr. ARON Mr. President, I will.

Mr. SHAPIRO. Mr. President, I desire to inquire of the Senator from Philadelphia, Mr. Aron, whether or not this bill includes optometrists.

Mr. ARON. Mr. President, owing to the objections made by the Senator from Philadelphia, Mr. Shapiro, I say it does not.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated further?

Mr. ARON. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does this bill include the funeral directors?

Mr. ARON. Mr. President, the Senator from Philadelphia, Mr. Shapiro, can answer that better than I can.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed, (Centre)	
Chapman,	Law,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Mallery,	Reed, (Washington)	Trainer,
Ealy,	McCreesh,	Rice,	Homsher,
Frey,	McGinnis,	Roberts,	Pres. Pro. Tem.
Gelder,	Miller,	Rodgers,	
Graff,	Owlett,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1531, entitled:

An Act to regulate and under certain circumstances to prohibit the use of names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed, (Centre)	
Chapman,	Law,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Mallery,	Reed, (Washington)	Trainer,
Ealy,	McCreesh,	Rice,	Homsher,
Frey,	McGinnis,	Roberts,	Pres. Pro. Tem.
Gelder,	Miller,	Rodgers,	
Graff,	Owlett,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1539, entitled:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle, permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Clarion, Mr. Kahle, explain how many physicians are included to be reinstated under this Bill, and to whom this bill is intended to apply.

Mr. KAHLE. Mr. President, this is intended to be an amendment to the old Act—simply to place their names back on the registration book, if they have at any time had their licenses revoked, and if the Board sees fit to lift that revocation. If it does, their names can be put back on; that is all. It is merely to put their names on record again.

Mr. SHAPIRO. Mr. President, will the Senator from Clarion, Mr. Kahle, state whether it is possible for a practitioner whose name was stricken from the list for a criminal offense to have his name put on the list again.

Mr. KAHLE. Mr. President, that is up to the Board. This has nothing to do with the Board; it is simply to put the name on record again. It has nothing to do with revoking the license or restoring that license. It says this: "The revocation or suspension for any other cause of the license of any person licensed to practice medicine and surgery may be removed at such time as it shall appear to the bureau to be just and proper to do so and upon any such removal of the revocation or suspension of license by the bureau the name of any such physician who had been licensed to practice medicine and surgery in the Commonwealth of Pennsylvania shall be restored and replaced upon the record in the office of the Superintendent of Public Instruction by the bureau."

It is merely for that purpose; it has nothing to do with the Board in any way. This is simply to place their names back so that the Department of Public Instruction collect for every license that was ever restored.

Mr. SHAPIRO. Mr. President, I do not think a bill of this kind should be taken up at this time. I think this question should be left to the Bureau of Medical Education and Licensure. The members of this Senate should be given the chance to look into this bill more carefully. It just came in to our desks; I have been trying to get a copy of it. I do not think this bill should be passed if that is all it is intended to do. The Medical Licensing Board has that right today. There has already been placed in that Board the right to try someone who has been stricken from the list for the commission of a crime. And under those circumstances I ask unanimous consent that this bill go over in its order.

Mr. KAHLE. Mr. President, is that the only objection to the bill, that the Senator from Philadelphia, Mr. Shapiro has?

Mr. SHAPIRO. Mr. President, I want to read the bill before I vote on it.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1539, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1546 (House Bill No. 477), entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1547 (House Bill No. 564), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House Representattives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

The PRESIDENT. Senate Bill No. 1550 (House Bill No. 805), on third reading, entitled:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

is not up from the printer and will go over in its order.

The PRESIDENT. Senate Bill No. 1551 (House Bill No. 1031), on third reading, entitled:

An Act making appropriations to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

is not up from the printer and will go over in its order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1555 (House Bill No. 1587), entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher.
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. THOMPSON (Centre). Mr. President, I move that Senate Bill No. 1556 (House Bill No. 1591) on third reading, entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1539, on third reading, entitled:

An Act to further amend section twelve of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation or suspension of license given by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

Mr. SHAPIRO. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1539, entitled:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (P. L. 639) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed, (Centre)	
Chapman,	Law,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice, (Washington)	Trainer,
Daly,	McCreesh,	Roberts,	Homsher,
Frey,	McGinnis,	Rodgers,	Pres. Pro. Tem.
Gelder,	Miller,		
Graff.	Owlett,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. REED (Dauphin). Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 685 (House Bill No. 1247), on third reading postponed for the present, entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" changing the method of service of writs on persons who are without the Commonwealth and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located

Mr. THOMPSON (Westmoreland). Mr. President. I second the motion.

And the question recurring?

Will the Senate agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 685 (House Bill No. 1247), be dropped from the calendar.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1558 (House Bill No. 1895), on third reading, entitled:

An Act making appropriations to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of board of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

will go over in its order.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill No. 1565 (House Bill No. 2184), on third reading, entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Common-

wealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

be recommitted to the Committee on Highways.

Mr. HARVEY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1576 (House Bill No. 2529), entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1578 (House Bill No. 2875), entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller.	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1582, entitled:

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake in Luzerne County.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller.	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1583, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Revenue to sell at public sale for the best price obtainable tracts of land acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields and providing for the disposition of the purchase price received for said lands.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Harvey,	Prince,	Shapiro,
Baumer,	Howell,	Pytko,	Sones,
Bean,	Huffman,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Homsher,
Gelder,	Miller,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurence.

RECONSIDERATION OF SENATE BILL NO. 1527

Mr. EALY. Mr. President, I move to reconsider the vote by which Senate Bill No. 1527, entitled:

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

Mr. ARON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. ARON. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, in connection with that vote, I should like to say this is one of those bills that were hurriedly introduced. It was intended to give to fiduciaries not under the jurisdiction of the Orphans Court the same rights, and to restrict them in investments the same as those that are under the jurisdiction of the Orphans Court. I am informed, however, that this bill not only does that but endorses investments heretofore made. If that is so, I think we ought to reconsider.

And the question recurring,

Shall the bill pass finally?

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1527 go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORTS FROM COMMITTEES

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Finance re-reported as amended, Senate Bill No. 1169 (House Bill No. 1473), entitled:

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Education reported as amended, Senate Bill No. 1624, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by limiting the amount of tax that may be levied by any school district, except in certain cases; and requiring the Commonwealth to pay the full amount of all minimum salaries and increments of all members of the teaching and supervisory staffs in all school districts.

Mr. SHAPIRO. Mr. President, it is the understanding that after second reading Senate Bill No. 1624, the bill just reported, will be recommitted to Committee to give the parties interested an opportunity to be heard.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Judiciary General reported as committed, Senate Bill No. 778 (House Bill No. 934), entitled:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (P. L. 109), entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to points submitted and the conclusions of law.

Mr. EALY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Mines and Mining, reported as amended, Senate Bill No. 651 (House Bill No. 1243), entitled:

An Act to amend title of and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-two) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties.

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1479 (House Bill No. 2487), entitled:

An Act to further amend sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes. providing for an effective date for the condemnation of easements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

Also from the Committee on Highways reported as committed, Senate Bill No. 1577 (House Bill No. 2583), entitled:

An Act to amend sections 102 203 as amended section 209 sections 405 410 411 as amended sections 505 602 712 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 180, as follows:

An Act making it unlawful for any water company to discontinue the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assemby met and it is hereby enacted by the authority of the same That it is unlawful for any person copartnership association or corporation operating as a water company and who or which has undertaken to supply any city borough town or township with water for the purpose of fire protection for any reason whatsoever to cut off or otherwise refuse to continue the supply of water for such purposes unless and until water for such purposes is available from other sources

Section 2 If any such city borough town or township fails to pay any service charge or to pay for any water used for which it is responsible the water company may proceed against such city borough town or township in an action of assumpsit and reduce its claim to judgment which judgment shall be enforced as other judgments against such cities boroughs towns or townships are enforced

Section 3 Any person copartnership association or cor-

poration violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100) for each day of such violation

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 494 (House Bill No. 170), entitled:

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or carried over from any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 506 (House Bill No. 795), entitled:

An Act to amend section eight hundred eight of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended limiting the provisions of the section to township funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 566 (House Bill No. 228), entitled:

An Act to amend the definitions of "common carrier" and "Conveyance of passengers or property" contained in section one of article one of an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by exempting the conveyance of perishable food products milk and furniture from regulation by the Commission in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 689 (House Bill No. 1287), on second reading, entitled:

An Act providing when, how, and under what circumstances and conditions a claimant, being a county, municipality, township or school district may at a judicial sale on a tax or municipal claim bid in the real estate for record costs or postpone the sale; for the procedure, in such cases, by petition, rule, notice, hearing and decree of Court to sell said real estate freed and cleared of all taxes, municipal claims, liens, mortgages, ground rents, charges and estates and to prorate the proceeds of said sale if insufficient to pay all tax and municipal claims in full; for the stay of proceedings; for redemption and priority thereof and of the status of liens during said period; and for the right of a tax or municipal claimant to purchase the real estate at any sale

be recommitted to the Committee on Municipal Government for further study.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 693 (House Bill No. 132), on second reading, entitled:

An Act prohibiting the employment of minors in the the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 694 (House Bill No. 501), entitled:

An Act authorizing the Department of Highways to build construct and maintain sidewalks along State Highways in townships of the first and second class for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such buildings and construction and appropriating moneys from the Motor License Fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 697 (House Bill No. 1206), entitled:

An Act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all officers and employes of the Commonwealth of Pennsylvania or of any political subdivision thereof members either enlisted or commissioned of any reserve component of the United States Army Navy or Marine Corps shall be entitled to leave of absence from their respective duties without loss of pay time or efficiency rating on all days not exceeding thirty in any one year during which they shall as members of such reserve components be engaged in the active service of the United States or in field training ordered or authorized by the Federal forces

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend Sec. 1, page 1, line 10, by striking out the word "thirty" and inserting in lieu thereof: "fifteen"

Mr. BEAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 707, entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations engaged in the business of outdoor advertising by means of billboards signs or structures and the issuing of permits for the erection use and maintenance thereof levying an excise tax for the use of the Commonwealth prescribing the location in which said billboards signs and structures may be located and providing penalties

The first, second, third, fourth, fifth, sixth, seventh, eighth and ninth sections of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Purposes and General Scope Whereas the rapid growth in the use of motor vehicles throughout the State and the concurrent extension of highways built or improved at public expense are leading to great changes in the extent and character of public travel and thereby have caused the development of commercial enterprises and advertising in areas formerly rural or principally so Therefore for the purpose of promoting the health safety and general welfare of municipalities and municipal subdivisions of this Commonwealth for the purpose of conserving the value of buildings and property and encouraging the most appropriate use of land for the purpose of providing for the public health comfort and general welfare in living and working conditions for the purpose of facilitating highway development and transportation and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstructing progressive improvements and to prevent obstructing the view and diverting the attention of drivers of motor vehicles on public highways having regard to the public safety the governmental agency hereinafter referred to is hereby created in order to regulate and control advertising and display signs and to preserve the amenities of localities to promote general welfare and preserve public safety especially in the particulars herein recited

Section 2 Powers and Authority The powers and authority hereby granted are in derogation of no other powers or authority granted by or created or exercised under any other statute or by any planning or zoning board or authority or other public officer but shall be construed as cumulative and wholly in addition to those of any such other power or authority

Section 3 Application of Act This act shall not apply to outdoor advertising structures within the corporate limits of any city borough or township which under authority of law has enacted zoning ordinances regulating the same

Section 4 Definitions The word "person" as used in this act shall be construed to mean and include natural persons copartnerships associations and corporations As used in this act "business of outdoor advertising" means the erection display maintenance of use of any outdoor advertising structure sign picture word or devise for the advertisement thereon or thereby of any commodity ser-

vice or thing for rental or other compensation received or to be received therefor

Section 5 Licenses to Engage in Outdoor Advertising Business No person shall from and after the first day of January one thousand nine hundred and thirty-six engage in or continue in the business of outdoor advertising through rentals or other compensation received or maintenance of billboards structures or other advertising devices upon real property to advertise or call attention to any business article substance or other thing unless such billboard structure or device conforms to law rules and regulations without first securing an annual license from the Department of Revenue and paying to the department for the use of the general fund an annual license fee of one hundred dollars ($100.00)

Licenses shall be issued only for the calendar year Where a person first engages in said outdoor advertising business during a calendar year then an allowance of one-twelfth of the annual license fee shall be made for each full month of the year which has expired prior to the issue of such license

No license shall be granted to any person not resident in this Commonwealth unless such person shall have furnished and filed with the Department of Revenue a bond to the Commonwealth with corporate surety in the sum of one thousand dollars ($1,000.00) conditioned to observe obey and fulfill all the requirements of this act and the rules regulations and orders of the board made pursuant to this act

Applications for such licenses shall be made to the Department of Revenue on or before the fifteenth day of December of the year preceding the one for which the license is issued (except where a person first engages in such business during a calendar year) on forms furnished and prepared by the department and shall set forth the full name and post office address of the applicant the territory in which the applicant desires to erect use display or maintain billboards or other advertising devices and such other relevant information as the department may require The application shall be accompanied with the proper amount of license fee as above provided

Section 6 Permits for Billboards and Structures Statements Required Annual Excise Tax No person from and after the first day of January one thousand nine hundred and thirty-six shall erect use display or maintain any billboard or structure or device for the display of advertising matter unless such person has first filed under oath a statement with the Department of Revenue showing (a) the location of each such billboard or other structure used or to be used for advertising purposes (b) the number of square feet of surface on each such billboard or structure used or to be used for advertising purposes and (c) such other relevant information as the Department of Revenue shall require and shall pay to the department for the use of the General Fund at the time such statement is filed an annual excise tax for the calendar year of one (1) cent per each square foot of surface thereof used or to be used for advertising purposes

Where a billboard or structure is first erected or used during a license or permit year the statement above required shall be filed for such billboard or structure before the same is erected or used and the tax for the remainder of the year shall be reduced one-twelfth for each full month of the year which has expired

Upon the receipt of such statement and the payment of the tax required by this section the Department of Revenue shall issue a permit to the person authorizing the erection maintenance display and use of such billboard sign or structure for outdoor advertising purposes during the calendar year for which the permit issues provided such billboard or other structure complies with the provisions of this act

For billboards signs and structures existing at the commencement of a calendar year such statement shall be filed with the department not later than the fifteenth day of December of the year preceding the one for which the permit issues

Permits may be renewed for any succeeding calendar year by filing a similar statement and paying the tax required by this section

Section 7 Identifying Matter to Appear on Billboards and Structures No person shall erect use display or maintain any billboard or other sign or structure for the display of advertising matter unless the name of the person owning or controlling the same and the number and date of the permit issued therefor by the Department of Revenue is plainly inscribed thereon

Section 8 Regulations Concerning the Erection and Maintenance of Billboards Structures and Other Advertising Devices No billboard structure or other advertising device for advertising purposes shall be erected used displayed or maintained within a distance of one hundred feet of an intersection of a highway with another highway or with a railroad or street railway nor shall any billboard structure or other advertising device be erected used displayed or maintained within fifty feet of any highway marker direction marked symbol or other warning erected by the Commonwealth of Pennsylvania nor shall any billboard structure or other advertising device be erected used displayed or maintained within fifty feet of a public highway nor shall any billboard structure or other advertising device be erected used displayed or maintained on any public highway park reservation cemetery or other public property unless permission in writing shall have been first obtained from the public authority having control thereof and the Department of Revenue

No permit shall be issued to erect use display or maintain a billboard structure or other advertising device at any place where the same is or shall be prohibited by municipal orders or zoning laws nor where in the judgment of the Secretary of Highways it would obstruct the view or distract the attention of any person operating a motor vehicle upon public highways of this Commonwealth

Section 9 Penalty Any person erecting using displaying or maintaining a billboard structure or device for displaying advertising matter without complying with or contrary to provisions of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for the use of the Commonwealth for each and every day such violation of this act continues and in default of the payment of such fine and costs of prosecution the person or members of any copartnership or association or the officers of any corporation responsible for such violation shall be imprisoned for a period of ten days

The tenth section of the bill was read as follows:

Section 10 Advertising Exempted from This Act Nothing contained in this act shall be construed to apply to the election maintenance display and use of advertising on the same premises where the business advertised is carried on or to for safe or for rent signs used exclusively on real estate to advertise the same for sale or rent Also exempted from the terms of this act are posters or notices issued by public authority notices which the law requires to be posted signs or displays on or in rolling stock stations or common carriers notices or posters which an owner lessee or occupant of the building places thereon to announce the profession art trade industry or other occupation carried on therein by him the sale of farm products the sale of the products which he manufacturers or any other sale on the premises as well as the sale or lease of the immovables of which such building is a dependency which an owner or lessee of a restaurant hotel boarding-house situated along a public highway but at a distance therefrom placed near the said road for the purpose of indicating the place where his establishment is situated In such cases the owner or lessee may have only one sign posted or billboard put up near the road on his property and such poster structure or billboard shall not be more than three feet in length nor more than two feet in width There shall also be exempted signs or posters on the occasion of a religious or patriotic demonstration signs or posters to announce an agricultural exhibition inscriptions in cemeteries announcements of an historical nature authorized by the Historical Society of Pennsylvania direction or stop signs placed or authorized by the Department of Highways signs which a telephone telegram or electric power company places on its poles to indicate danger or to indicate the places where its offices are situated

On the question,

Will the Senate agree to the section?

Mr. HARRIS. Mr. President, I move to amend page 9, Section 10, line 26, insert after the word "danger" the words "or ownership thereof" and insert after the word "or" in the same line, the words "on buildings"; line 27, insert after the word "its" the words "services are available or its"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read as follows and agreed to:

Section 11 Jurisdiction to Abate Nuisance The nonconformity with this act is hereby declared to be a public nuisance and the Secretary of Highways or the board hereby created shall have power to abate and remove such nuisance this remedy to be in addition to any other remedies provided by law and the Courts of Record of this Commonwealth shall have power and jurisdiction to restrict upon petition of the Attorney General of the Commonwealth or any interested pary any billboard sign display or other advertising device

The title of the bill was read as follows and agreed to:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations engaged in the business of outdoor advertising by means of billboards signs or structures and the issuing of permits for the erection use and maintenance thereof levying an excise tax for the use of the Commonwealth prescribing the location in which said billboards signs and structures may be located and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 741 (House Bill No. 631), entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect if judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing additional powers for a sequestrator of property appointed by court under the provisions of the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 750 (House Bill No. 1614), entitled:

An Act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 777 (House Bill No. 883), as follows:

An Act to amend section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for the annulment of void marriages

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 12 Annulment of [Bigamous] Void Marriages In all cases where a supposed or alleged marriage shall have been contracted which is absolutely void by reason of one of the parties thereto having a spouse living at the time the supposed or alleged marriage or if for any other lawful reason the said supposed or alleged marriage was absolutely void when contracted the defect confirmed and validated by the innocent and such supposed or alleged marriage may upon the application of either party be declared null and void in accord with the principles and forms hereinafter prescribed for cases of divorce from the bond of matrimony

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 785 (House Bill No. 401), entitled:

An Act to amend section one of the act approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second

classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, extending the provisions of said act to townships of the first class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 790 (House Bill No. 750), entitled:

An Act to amend the title and sections one, two, three, six, nine, ten, eleven and twelve of the act approved the twentieth day of May, one thousand nine hundred and twenty-one (P. L. 984), entitled "An act providing for the condemnation by the Commonwealth of lands suitable and desirable for forest purposes or game preserve purposes or the perpetuation and protection of fish; and defining the powers and duties of the Department of Forestry, the Board of Game Commissioners, and the Department of Fisheries, respectively, in relation thereto," extending said act to the condemnation of lands for State park purposes; and correcting the titles of officers and agencies mentioned in said act in accordance with the Administrative Code.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 795 (House Bill No. 1462), entitled:

An Act to amend sections one thousand nine hundred and fifteen and clause twenty-three of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" prohibiting the recording of deeds in certain cases and extending the right to execute insurance contracts and to contribute to pension and retirement funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 796 (House Bill No. 1478), entitled:

An Act to amend section one thousand seven hundred and four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing authority to township commissioners by resolution to issue certificates of indebtedness

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 799 (House Bill No. 1070), on second reading, entitled:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising and consolidating and changing the law relating thereto" requiring one year's residence in the ward for the commissioner elected from a ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 867 (House Bill No. 1836), entitled:

An Act authorizing boroughs to construct reconstruct and repair sidewalks gutters curbs and grass plots in cases where material is paid by the abutters and labor is furnished without cost to the borough

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 904 (House Bill No. 754), entitled:

An Act to amend clauses (a) and (c) of section one thousand eight hundred and two clauses (a) and (b) of section one thousand eight hundred and three and section one thousand eight hundred and six as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Forests and Waters to acquire lands by purchase gift condemnation and lease for State forest park and recreational purposes and to maintain develop and re-lease such lands.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 906 (House Bill No. 976), entitled:

An Act to amend article nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" making provisions for declaring vacant the office of councilman for refusal or neglect to qualify attend meetings or to act in his official capacity.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 980 (House Bill No. 1340), entitled:

An Act to amend section one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" empowering and directing township auditors to audit records of justices of the peace in the township in so far as fines and penalties due the township are concerned.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 982 (House Bill No. 1426), entitled:

An Act to amend section one thousand seven hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing taxation upon either real property or occupations or both.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ARON. Mr. President, I move that Senate Bill No. 982 (House Bill No. 1426) the bill just read, be recommitted to the Committee on Municipal Government for a hearing.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. LAW. Mr. President, I move that Senate Bill No. 984 (House Bill No. 1565) on second reading, entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by requiring records of poor districts to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I move that Senate Bill No. 985 (House Bill No. 1566) on second reading, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1068 (House Bill No. 1568), as follows:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by requiring borough records to be open to inspection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law realntig to boroughs" is hereby amended by adding thereto the following section

Section 1111 RECORDS OPEN, TO INSPECTION The fiscal records and documents of every borough shall be open to the inspection of any taxpayer thereof his her or its agent upon demand therefor

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to teh second reading and consideration of Senate Bill No. 1069 (House Bill No. 1586), entitled:

An Act to establish as a State Highway a certain section of public road in the county of Crawford and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1100 (House Bill No. 2116), entitled:

An Act to amend the act approved the third day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred seventy-seven) entitled "A supplement to an act entitled 'The Workmen's Compensation Act of one thousand nine hundred and fifteen' to exempt domestic servants and agricultural workers from the provisions thereof" removing the exemptions set forth in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1118 (House Bill No. 1628), entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1142, as follows:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon by means of separate assessments of the land values and the values of improvements on or in the land and a sliding scale for apportioning the percentages of the total amount of revenue from taxes upon real property to be borne by unimproved land and improvements on or in the land from the year one thousand nine hundred and thirty-seven to the year one thousand nine hundred and forty-eight and thereafter

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That beginning January first one thousand nine hundred and thirty-six land values and the values of improvements on or in the land shall be separately assessed in counties of the first class The value of each piece of land in counties of the first class shall for the purposes of this law be deemed to be that which it would have if it were wholly unimproved

Section 2 Out of the total amount of revenue to be obtained from taxes on real property in counties of the first class for the year one thousand nine hundred and thirty-six fifty-five percentum shall be obtained from land values and forty-five per centum from the improvements on or in the land

For succeeding years these respective percentages of the total shall be

1937—60%	from	land	40%	from	improvements
1938—65%	"	"	35%	"	"
1939—70%	"	"	30%	"	"
1940—75%	"	"	25%	"	"
1945—80%	"	"	20%	"	"
1946—85%	"	"	15%	"	"
1947—90%	"	"	10%	"	"
1948—					

and thereafter 95% from land 5% from improvements

Section 3 For each year two rates of taxation one to be applied uniformly to all lands and the other to be applied uniformly to all real property improvements (unless exempted by existing laws) in counties of the first class shall be so fixed that the total amount to be obtained by taxation shall be divided between land and improvements as specified by section two hereof

Section 4 The boards of revision of taxes in counties of the first class are hereby authorized to make such rules and regulations as they deem necessary to enforce the provisions of this law

Section 5 All laws or parts of laws conflicting with this law are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1157 (House Bill No. 1904), on second reading, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and further prescribing the qualifications of Workmen's Compensation Referees

is not up from the printer and will go over in its order.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1165, as follows:

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of One Hundred Thousand Dollars ($100,000) is hereby specifically appropriated to cities of the first class for the purpose of assisting such cities in acquiring the necessary lands and

in developing and equipping in various parts of such cities public playgrounds recreation centers and civic centers All such lands before acquisition shall be subject to approval as to location and price to be paid therefor by the Secretary of Welfare of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CLARK. Mr. President. I move that Senate Bill No. 1170 (House Bill No. 1522), on second reading, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of nonpayment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment

be recommitted to the Committee on Municipal Government.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1268 (House Bill No. 1515), entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by excluding certain brokers and agents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I move that Senate Bill No. 1290. on second reading. entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to an exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1356, as follows:

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the purpose of paying claims heretofore incurred based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization discipline maintenance and service of the Pennsylvania National Guard

No such claim shall be in an amount exceeding two hundred and fifty dollars ($250) and shall be paid only after the investigation and approval thereof by a board of not less than three commissioned officers of the Pennsylvania National Guard appointed by the Adjutant General and all claims so paid hereunder shall be subject to audit by the Department of the Auditor General

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1358 (House Bill No. 977), entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (P. L. 1520) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the expenditure of such appropriation for the construction of second-class township streets roads and bridges requiring the reduction of tax levies by such townships and validating tax levies of townships made after the last day now fixed by law for such levy and requiring some townships which have made their tax levies to make new levies and permitting additional special tax levies under certain circumstances.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill Noo. 1358 (House Bill No. 977), the bill just read, be recommitted to the Committee on Highways.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1361 (House Bill No. 2062), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance including snow removal construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill No. 1361 (House Bill No. 2062), the bill just read, be recommitted to the Committee on Highways.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1364 (House Bill No. 618), entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to review judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1378 (House Bill No. 2674), entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" by providing for the boarding out of certain patients in State mental hospitals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1407 (House Bill No. 2318), on second reading, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 457) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commission and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and providing for the approval of a plan of merger without action of the shareholders of the surviving association

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1425, as follows:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "owner" as used herein shall include all persons individual or corporate and any firm unincorporated association or trust and any one claiming by from or under such owner including lienholders having the right to redeem real estate sold at tax sale

Section 2 In all cases when taxes levied upon seated lands for the years one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four or any of them shall be delinquent and unpaid and said real estate shall have been returned to the county commissioners of any county by reason of such delinquency in accordance with existing law the owner

of said real estate may on or before November first one thousand nine hundred and thirty-five elect to pay the whole amount of said delinquent taxes in the manner and at the time hereinafter set forth

Section 3 Said election shall be in writing signed by the owner or his agent duly authorized and shall be in substantially the following form

Date .....

..... hereby claims the benefit

(Name of taxpayer)

of the Act of Assembly Number one thousand nine hundred and thirty-five and elects to pay the delinquent taxes upon real estate described as follows

(Description)

levied for the period one thousand nine hundred and thirty to one thousand nine hundred and thirty-four inclusive in the manner and at the time required by said act

.....

(Name of taxpayer)

The county commissioners shall file said election and shall make an appropriate record of the filing thereof in a docket suitable for the purpose They shall at the time of filing said election render to the owner a statement of the entire amount of such delinquent taxes which shall show the dates upon which instalments thereof shall become payable

Section 4 Upon such election being filed the owner shall have the right and duty to pay such delinquent taxes in instalments as follows Twenty per cent of the whole amount of such delinquent taxes at the time of election and thereafter ten per cent on or before the first day of each May and November until the whole amount shall be paid without any penalties or interest being included therein Upon such payment being made in full an appropriate receipt and certificate to that effect shall be delivered by the county commissioners to the owner and the several lien records of such returned taxes shall be marked satisfied It shall be a condition precedent to the election herein permitted that all taxes for the year one thousand nine hundred and thirty-five shall be or shall have been paid at the time when the respective portions thereof become due and payable under existing law and the continuance of the right to make instalment payments as herein provided for shall likewise be conditioned upon all current taxes being paid during the year for which they are levied

Section 5 Upon any default in payments required under section four of this act either of delinquent or current taxes the county commissioners shall certify the real estate together with the unpaid balance of such delinquent taxes to the county treasurer who shall proceed to advertise and sell the same at the time fixed and in the manner required by existing laws pertaining to treasurer's sales of seated lands for taxes

Section 6 Upon such election and so long as payments shall continue in accordance with section four hereof no sale shall be held nor other proceedings to collect such taxes from said real estate be taken by the county commissioners or county treasurer or any other official

The lien of any delinquent taxes so elected to be paid shall continue in full force and effect during the period of such instalmnt payments and any proceedings required for defaults therein any law to the contrary notwithstanding

If such election shall be made after advertisement but before sale of any real estate or after a sale but before conveyance to the purchaser such costs only as have already been incurred in the proceedings shall be added to and become a part of the total amount of taxes under section four hereof

Section 7 Upon lands sold to the county commissioners prior to such election but as to which the time of redemption under existing laws has not expired the exercise of the election herein provided for shall have the effect of extending the period of redemption and completion of payments as required by section four shall be deemed and have the effect of a redemption Nothing herein contained however shall have the effect of divesting any title acquired at tax sale and for which the redemption period has expired nor of altering or diminishing the rights of any private purchaser prior to the enactment hereof in any redemption funds

Section 8 Nothing herein shall prevent the county treasurer or the county commissioners of the county from proceeding to sales of seated lands already returned for delinquent and unpaid taxes of the years one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four or any of them in counties where such sales have been advertised by such authorities prior to the passage of this act but such land shall be subject to the election and redemption features of this act in the hands of the purchaser or purchasers thereof

In the event that no election is made as is permitted under the provisions of this act the rights and duties of the county treasurer and county commissioners to proceed to sale of land shall remain as they are under existing laws

Section 9 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to oder,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1436 (House Bill No. 1980),-entitled:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

The PRESIDENT. Senate Bill No. 1455 (House Bill No. 2852), on second reading, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

is not up from the printer and will go over in its order.

The PRESIDENT. Senate Bill No. 1459, on second reading, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits; increasing medical and hospital benefits; making changes in the definition of wages"; providing compensation for accidents arising out of and in the course of employment; regulating proof in hernia cases; further defining dependency as to widows; extending the time for the commencement of proceedings to recover compensation in certain cases; providing for autopsies in cases

of death from injury; further regulating the review modification, reinstatement, suspension and termination of original and supplemental agreements and awards; requiring employers to pay the compensation of physicians, surgeons and experts appointed by the board or referees to make examinations, providing that final receipts for compensation shall be conclusive after two years, further defining the jurisdiction and powers of the referees, board and courts of common pleas; and repealing section four hundred and twenty-six of said act

is not up from the printer and will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1537 (House Bill No. 1703), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons and conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

The first and second sections of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town or township of this Commonwealth

Motion Picture Exhibitions Defined The words "motion picture exhibitions" as used in this act shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings together with any orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection therewith or incidental thereto

"Two O'clock Post Meridian" Defined The words "two o'clock post meridian" as used in this act shall be construed to mean "two" o'clock post meridian eastern standard time except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive when such words shall be construed to mean two o'clock post meridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period

Section 2 Penalty for Unlawful Motion Picture Exhibitions on Sunday It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibition regardless of whether a charge of admission is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday before the hour of "two" o'clock post meridian

It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided and in no case shall a person be employed as a projectionist of operator of motion pictures on Sunday or in or about motion picture exhibitions unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days

Any person co-partnership association or corporation violating any of the provisions of this Section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding Fifty Dollars ($50.00) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any co-partnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten (10) days

The third section of the bill was read as follows:

Section 3 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five (1935) there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each municipality in this Commonwealth with respect to motion picture exhibitions Such question shall be in the following form

Do you favor the conducting staging operating and exhibiting of motion pictures regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage operate or exhibit the same after two o'clock post meridian on Sunday	YES NO

The said question shall be printed in separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 3, page 4, line 3, by inserting after the word "Commonwealth" the following: "upon petition to the county commissioners of the city or borough council or of the township commissioners or supervisors or upon petition of electors equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general election

Mr. RUPP. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth and tenth sections of the bill were read as follows and agreed to:

Section 4 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns Such election

shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the acting chief executive officer of each municipality within the county

If at the election in the year one thousand nine hundred and thirty-five (1935) as herein provided a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock post meridian then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in this section it shall thereafter be lawful to conduct stage manage operate or engage in motion picture exhibitions from and after the hours of two o'clock post meridian on Sunday

The right to conduct stage manage operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday

If the vote of the electors in the municipality was not in favor of motion picture exhibitions then it shall be unlawful to conduct stage manage operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental after two o'clock post meridian on Sunday

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in Section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitoners equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which are permitted motion picture exhibitions from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in Section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not hitherto permitted such motion picture exhibitions after two o'clock post meridian on Sunday are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in Section 4 of this act such exhibitions shall thereafter be lawful

Section 6 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto after two o'clock post meridian on Sunday may be ascertained

Section 7 It shall be unlawful at any motion picture exhibition conducted or operated under the provisions of this act to provide for any form of entertainment except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto and any person or any member or agent of any co-partnership or association or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion picture exhibitions shall be guilty of a misdemeanor and in the proper court shall be punished by a fine of not more than One Hundred ($100.00) Each Sunday's providing furnishing conducting staging managing operating or engaging in furnishing any form of entertainment forbidden under this act shall constitute a separate offense hereunder

Section 8 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits motion picture exhibitions and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto All acts and parts of acts inconsistent herewith be and the same are hereby repealed

Section 10 Effective Date This act shall be effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act relating to motion pictures exhibition and sound motion picture exhibitioons together with orchestral or other intrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1552 (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1563 (House Bill No. 2026), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the

method of reimbursement to such licensees and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1564 (House Bill No. 2143), entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1575 (House Bill No. 2527), as follows:

An Act providing for special vocational trade industrial and commercial schools and classes in cooperation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Superintendent of Public Instruction shall have power to investigate the need for establish supervise and conduct special vocational trade industrial and commercial schools and classes in cooperation with school districts and in cooperation with employment reemployment and adjustment offices for the training re-training instruction and adjustment of persons over sixteen years of age who have left school and who due to changing conditions are in need of training re-training and instruction in order to enter or re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools and classes in an effective manner and to pay from the appropriation made by this act and from other available State funds appropriated to aid school districts in the establishment and maintenance of vocational schools or departments and from Federal funds provided for the development and further development of vocational education the salaries of said teachers supervisors and coordinators

Section 2 No vocational trade industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational trade industrial and commercial school or class established by a school district under the provisions of the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 The total expenditure from State and Federal funds for salaries of teachers in schools and classes established under the provisions of this act shall not exceed in any one year the following amounts school districts of the first class ten thousand dollars ($10,000) school districts of the second class five thousand dollars ($5,000) school districts of the third class two thousand five hundred dollars ($2,500) and school districts of the fourth class six hundred dollars ($600) except where classes are conducted in cooperation with a school district and pupils are admitted in such classes from other school districts where such classes are not conducted in which case an additional amount may be expended for salaries of teachers in said school district in proportion to the number of pupils served from such other school districts Provided That the additional sum so expended shall not exceed the amount that could have been expended in such other school districts under the provisions of this act

Section 4 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of the salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred and thirty-five and shall remain in force until May thirty-first one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1599, as follows:

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "pupil" as used in this act means every child attending the public schools who is in the first or second grades and whose parent parents guardian or other person responsible for maintenance requests the furnishing to such child of vitamin products and also every child who is advanced beyond the second grade who in the opinion of the medical inspector of schools or an agent of the Department of Health shows indications of malnutrition or nutritional disorders and whose parent parents guardian or other person responsible for maintenance is financially unable to provide vitamin products for the child shall be entitled to receive daily during the school year or during any part of the school year as the Department of Health may determine such quantities of vitamin products as shall be deemed adequate by the medical inspector of schools or agent of the Department of Health to prevent or correct malnutrition

The term "vitamin products" as used in this act shall be construed to include any of the following high potency antirachitic products in capsule pearl tablet or water form used for the purpose of preventing and as an aid in correcting malnutrition namely (a) cod liver oil with viosterol (b) haliver oil with viosterol (c) halibut liver oil with viosterol (d) any combination of the foregoing oils with viosterol (e) dicalcium phosphate compound with viosterol and (f) the product known as A-B-D capsule

Section 2 Such vitamin products shall be furnished by the Department of Health to various school districts for distribution therein by teachers in accordance with systems established by the Department of Health with the cooperation of the Department of Public Instruction

Section 3 The Department of Property and Supplies in accordance with the provisions of the Administrative Code shall as purchasing agent for the Department of Health from time to time purchase and provide for the delivery of vitamin products for the use of the Department of Health in carrying into effect the provisions of this act Such vitamin products so purchased shall conform to such standards of quality and potency as may be prescribed by the Department of Health which Department shall have the right to reject or to refuse to accept any of said vitamin products so purchased which the Secretary of Health finds do not conform to the standards of quality and potency prescribed by the Department

Section 4 Each board of school directors shall in accordance with rules and regulations formulated by the Department of Health in cooperation with the Department of Public Instruction establish a system for the requisitioning of vitamin products from the Department of Health and for their distribution to pupils in the public school and shall provide for the collection of reports as to the quantity of vitamin products required in such school district and in each school room to supply pupils Every teacher and medical inspector designated by the board of school directors for such purpose shall make periodical reports to the board of school directors for the use of the Department of Health as to the amount of vitamin products required to supply pupils in each school room showing the names of the pupils their respective ages grades addresses and such other information as the Department of Health may require

Section 5 The Department of Health shall in such manner as it shall determine provide instruction for teachers in the public schools upon matters pertaining to proper diet nutrition and comparative food values which information shall in turn be imparted by teachers to pupils and their parents

Section 6 The sum of six hundred thousand dollars ($600,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the two fiscal years commencing June first one thousand nine hundred and thirty-five for the purpose of carrying into effect the provisions of this act Payments from said appropriation shall be made on requisition of the Secretary of Health in the manner provided by law The Department of Property and Supplies shall also have power to draw its requisition on the appropriation made by the act for the purpose of paying for all vitamin products purchased for the Department of Health and for the payment of all incidental expenses incurred by said Department in advertising for bids and letting contracts for the purchase of vitamin products

Any moneys appropriated by this act shall be deemed available for the purpose of securing for the Commonwealth the benefit of any appropriations made available by the Federal Government for the furnishing of vitamin products for pupils in the public schools

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1600, as follows:

An Act to further amend Section eleven of the Act approved the seventeenth day of February one thousand nine hundred and six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violaions of this act" by further regulating the publication of statements issued by the State Treasurer from time to time concerning the moneys in the State Treasury

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the Act approved the seventeenth day of February one thousand nine hundred and six (Pamphlet Laws forty-five) entitled "An act to regulate the deposits of State funds to prescribe the method of selecing State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of moneys in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" is further amended to read as follows

Section 11 The State Treasurer on the first business day of each month shall render a statement of account to the Auditor General giving in detail the different sums which go to make up the grand total of the amount on that day in the State Treasury including moneys appropriated to the sinking fund Such statement shall include the names of banks banking institutions or trust companies with whom the public funds are deposited with the various amounts of such deposits and shall be verified by oath or affirmation of the State Treasurer and recorded in a book kept for that purpose in the Auditor General's office and such record shall be open for the inspection of the Governor heads of departments members of the Legislature or any citizen of the State desiring to inspect the same [and] Every such statement of account rendered on the first business day of June and December of each year shall be correctly published in not more than six newspapers one of which shall be published at Harrisburg to be selected by the Auditor General for general information payment of publication to be made from moneys in the State Treasury not otherwise appropriated

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1605, as follows:

An Act to further amend section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commisisoners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commisioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing

public roads connecting county-seats principal cities and town and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township boroughs or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by excluding diversion of traffic as an element of damage

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section sixteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highways Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by section one of the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred nine one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to the amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fixe a time for hearing the matter at which time the parties to such agreement and any taxpayers interested therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court

thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund In no event shall the amount of damages agreed upon or assessed include any compensation for loss sustained or claimed by reason of the relocation of a State highway the result of which is to divert traffic from the property of the owner claiming damages The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shal be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county or Commonwealth shall also provide for the removal of all structures within the lines of the highway as thus established as may be provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages costs incident to the change of width line or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1606, as follows:

An Act to amend section five hundred and fourteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by excluding diversion of traffic as an element of damage where county roads are relocated

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Secion 514 Right of Damages The right to damages against counties is hereby given to all owners or tenants of lands property or material appropriated injured or destroyed by the county in cases where the right of eminent domain has been exercised and to all owners or tenants of lands property or material abutting on or through which pass roads or highways injured by the laying out opening widening vacating extending or grading of such roads or highways or the changing of the grades or lines thereof the construction and the vacation of bridges piers and abutments and approaches therefor and the construction of sewers over upon or through such lands or property Provided That in no event shall the amount of damages agreed upon or assessed include any compensation for loss sustained or claimed by reason of the relocation of any county road the result of which is to divert traffic from the property of the party claiming damages

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1607, as follows:

An Act to amend section one thousand and twenty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs ad revising amending and consolidating the law relating to boroughs" providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges on boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and twenty-seven of the act approved the fourth day of May one thousand nine nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 1027 General Powers of Burgess The burgess shall have power

I To administer oaths and affirmations in matters pertaining to borough affairs

II To exercise jurisdiction in all disputes between the borough and individuals arising under the ordinances rules and regulatons of the borough

III To exercise the powers and jurisdiction of justices of the peace in the enforcement of all ordinances of the borough and the collection of fines and penalties imposed thereunder and to sentence any person violating any such ordinance to detention in the lockup county jail or workhouse as hereinafter provided

IV To exercise the powers and jurisdiction of justices of the peace within the borough for the suppression of riots tumults and disorderly meetings and in all criminal cases for the punishment of vagrants and disorderly persons

V To assess and collect the same fees as provided by law for justices of the peace except that in cases of summary convictions the total fee shall be two dollars and where the evidence is not sufficient to convict and the defendant is discharged the costs shall be paid by the borough

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1608, as follows:

An Act to amend article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by permitting such townships to establish special districts for the construction operation and maintenance of drains and sanitary sewers to assess costs of construction operation and maintenance upon the properties benefited to issue bonds secured by municipal liens on such properties and to levy and collect taxes for the payment of principal and interest on indebtedness and for the meeting of costs of maintenance and operation from sewer rentals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding at the end thereof a new subdivision to read as follows

(h) Drains and Sanitary Sewers Constructed with Federal Aid

Section 1550 Creation of Special Sewer Districts Whenever the supervisors of a township of the second class shall enter into an agreement with the federal government or an agency thereof for the use of federal funds in the construction of drains and sanitary sewers the supervisors may create special sewer districts upon petition of the owners of real property the assessed value of which is two-thirds or more of the total assessed valuation in such sewer district

Such districts shall consist only of such areas as are occupied by compact groups of dwellings schools churches and places of business which are directly adjacent to such drains and sanitary sewers

Such special districts shall constitute independent taxing districts for the purposes of this subdivision of this article only

Section 1551 Assessment of Benefits The costs of construction other than for individual lateral connections from the curb line which are not met by grants from the federal government and the necessary principal and interest charges on any debts incurred shall be assessed against individual properties benefited by dividing the total costs of the drains and sewers and apportioning to each property owner the proportion of such total as the front footage of his property bears to the total front footage of the properties in the district The supervisors shall provide for a reduction of one-half or other equitable part or portion from the frontage of the longest side of all corner lots and at other places where from the peculiar or pointed shape of the lots an assessment for the full frontage would be inequitable The method of apportioning costs of construction shall apply to any properties abutting on a state highway notwithstanding any provisions to the contrary in the act to which this is an amendment

The total assessment against each property shall be paid to the township treasurer in not to exceed ten annual installments and each installment remaining unpaid after one month from the day set for payment by the supervisors shall bear interest at the rate of six per centum per annum The total assessment against each individual property shall constitute a lien thereon

Section 1552 Tax Levies Whenever the revenues from the payment of assessments shall be insufficient to meet current costs of construction or payments on principal and interest on indebtedness the supervisors shall levy a tax on the properties in the sewer district sufficient to meet any deficiencies in such costs

Section 1553 Sewer Rentals For the purpose of operation and maintenance of the drains and sewers all persons connecting with the same shall pay in addition to the cost of making such connection a monthly or annual rate prescribed by a resolution of the board of supervisors Such monthly or annual rate shall constitute a lien until paid against the property so connecting with such drains and sewers and the amount thereof may be recovered by due process of law

Section 1554 Issue of Bonds The supervisors shall issue bonds of the township payable from the proceeds of assessments and from the taxes provided in this subdivision of this article for the purpose of financing the construction of drains and sanitary sewers Such bonds shall have maturities of not to exceed twenty years and an equal portion of the total issue shall mature annually

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1611, as follows:

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg placing said addition upon completion under the jurisdiction and control of the Department of Health and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million four hundred and five thousand dollars ($1,405,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the erection and construction of an addition to the State tuberculosis sanatorium at Hamburg upon land now owned by the Commonwealth at said sanatorium

Section 2 The Department of Property and Supplies with the approval of the Governor shall pay out of the appropriation made by this act the cost of necessary plans specifications advertising for bids supervision architectural and engineering fees grading and improvement of the land comprising the site of the sanatorium and other incidental expenses necessary for carrying out the purposes of this act

Section 3 If the appropriation made by this act shall be insufficient for the completion of the addition to the sanatorium authorized hereunder it shall be lawful for the Department of Property and Supplies to award a contract or contracts for the construction of as much thereof as can be paid for out of the appropriation made by this act

Section 4 Upon the completion of the sanatorium the Department of Health shall have the same jurisdiction and control over the sanatorium as it now has over existing State sanatoria

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1613 (House Bill No. 1837), entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and adding certain new routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELDER. Mr. President, I move that Senate Bill No. 1613 (House Bill No. 1837), the bill just read, be recommitted to the Committee on Highways.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1616 (House Bill No. 2394), entitled:

An Act to amend sections five hundred and sixteen, five hundred and thirty-one, five hundred and thirty-five, five hundred and forty, five hundred and forty-five, five hundred and forty-seven, clause one of section nine hundred and five, section one thousand one hundred and forty-one of, and to add section one thousand one hundred and forty-seven to the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power over streams; changing the minimum compensation of the secretary-treasurer; further regulating depositories; imposing additional duties on the secretary; fixing the place of meeting of the auditors, and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedicated roads and streets and for the opening thereof, and the acceptance of roads, streets, lanes and alleys heretofore dedicated.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1620, as follows:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School at Huntingdon is hereby empowered on behalf of the Commonwealth of Pennsylvania to grant and confirm a perpetual right of way or easement to the Penn Central Light and Power Company to occupy or continue to occupy a right of way over lands of the Pennsylvania Industrial School located in Smithfield Township for the purpose of maintaining a power line on condition that the said Penn Central Light and Power Company shall grant to the Commonwealth of Pennsylvania for the use of the Pennsylvania Industrial School the continued use of a spring belonging to the Penn Central Light and Power Company together with a right of way over lands of said company for a water line to said spring

The Department of Property and Supplies shall have power to enter into execute and acknowledge such agreement or agreements with the Penn Central Light and Power Company containing such covenants as may be deemed necessary to accomplish the purposes of this act and to protect the interests of the Commonwealth A copy of any such agreement duly recorded shall be field with the Department of Internal Affairs

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

The PRESIDENT. Senate Bill No. 1621, on second reading, entitled:

An Act to further amend the act aproved the fifth day of May one thousand eight hundred and ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees

will go over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1622, as follows:

An Act to amend the title of and the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred one) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges shall be-

come free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by extending the provisions thereof to tunnels for highway purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred one) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constitutiong such bonds legal investments in certain instances prescribing conditions upon which such bridges shall become free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" are hereby amended to read as follows

An Act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters and of tunnels for highway purposes within the Commonwealth authorizing the issuance of bridge and tunnel revenue bonds free from taxation and payable solely from bridge or tunnel earnings to pay the cost of such bridges and tunnels and improvements thereof providing for the collection of bridge and tunnel tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges and tunnels constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges and tunnels shall become free bridges and tunnels conferring powers and imposing duties on the State Bridge and Tunnel Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Intra-State Bridge and Tunnel Revenue Bond Act"

Section 2 Definitions As used in this act the following words and terms shall have the following meanings

(a) The word "bridge" shall be deemed to include all property rights easements and franchises relating thereto including approaches

(b) The word "improvements" shall mean such repairs replacements additions and betterments of and to a bridge or tunnel acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public if such repairs replacements additions and betterments are ordered prior to the sale of any bonds for the acquisition of such bridge or tunnel

(c) The term "cost of bridge" or "cost of tunnel" as applied to a bridge or tunnel to be acquired by purchase or by condemnation shall include the purchase price or the amount of the award cost of improvements financing charges interest during any period of disuse before completion of improvements cost of traffic estimates and of engineering and legal expenses plans specifications and surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the acquisition of the bridge or tunnel and the placing of the bridge or tunnel in operation

(d) The term "cost of bridge" or "cost of tunnel" as applied to a bridge or tunnel to be constructed shall embrace the cost of construction the cost of all land property rights easements and franchises acquired which are deemed necessary for such construction financing charges interest during construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the fasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and the construction of the bridge or tunnel and the placing of the bridge or tunnel in operation

(e) The word "commission" shall mean the State Bridge Commission of the Commonwealth which shall hereafter be known as the State Bridge and Tunnel Commission

(f) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act

(g) The word "tunnel" shall mean any tunnel for whatever purpose constructed that is usable with or without re-boring as a vehicular tunnel for general highway purposes and shall include all property rights easements and franchises relating thereto including approaches

Section 3 Purchase of Bridges and Tunnels The commission is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any toll bridge or bridges over rivers and navigable waters or any tunnel or tunnels which are within the Commonwealth or any such toll bridges or bridges or tunnel or tunnels partly constructed or any franchises easements permits or contracts for the construction of any such bridge or bridges or tunnel or tunnels upon such terms and at such prices as may be reasonable and can be agreed upon between the commission and the owner thereof—title thereto to be taken in the name of the Commonwealth The commission shall issue bridge or tunnel revenue bonds of the Commonwealth as hereinafter provided to pay the cost of such acquisition

Section 4 Condemnation of Bridges or Tunnels and Property The commission whenever a reasonable price cannot be agreed upon is hereby authorized and empowered to acquire by condemnation any such bridge or bridges or tunnel or tunnels or interest or interests therein and any land rights easements franchises and other property deemed necessary or convenient for the improvement or the efficient operation of any property acquired or constructed under this act or for the purpose of constructing any bridge or tunnel or portion thereof hereunder or for securing right of way leading to any such bridge or its approaches or to any such tunnel in the manner hereinafter provided In such event application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which such bridge or tunnel is or is to be located or in the case of a bridge or tunnel on the boundary line between two or more counties then in any of such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such bridge or tunnel land rights easements or franchises and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to

ascertain as accurately as may be the value of such bridge or tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers of a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the bridge or tunnel lands rights easements or franchises they shall prepare a full report of their labors The report shall include a plan showing the location of or the proposed location of the bridge or tunnel Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting shall be given to the chairman of the commission to the Attorney General and to the owner or owners of the bridge or tunnel At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed Title to any property condemned by the commission shall be taken in the name of the Commonwealth The Commonwealth shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds provided by thim act and in any condemnation proceedings the court having jurisdiction of the suit action or proceding may make such order as may be just to the Commonwealth and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage to be sustained by reason of the failure of the Commonwealth to accept and pay for the property but such undetaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

Section 5 Improvement of Bridges and Tunnels Acquired It shall be the duty of the commission at or before the time any such bridge or tunnel shall be acquired by purchase or by condemnation to determine what repairs replacements additions or betterments will be necessary to place the bridge or tunnel in safe and efficient condition for the use of the public and to cause an estimate of the cost of such improvement to be made The commission shall order such improvements before the sale of any bridge or tunnel revenue bonds hereinafter authorized for the acquisition of such bridge or tunnel and the cost of such improvements shall be paid for out of the proceeds of such bonds

Section 6 Construction of Bridges and Tunnels The commission is hereby authorized and empowered to construct whenever it shall deem such construction expedient any toll bridge or bridges over any river or navigable water or any tunnel or tunnels within the Commonwealth The cost of such construction shall be paid solely by means of or with the proceeds of bridge or tunnel revenue bonds hereinafter authorized The commission is hereby authorized to purchase within this Commonwealth solely from funds provided under the authority of this act such bonds structures rights of way franchises easements and other interests in lands including lands under water and riparian rights of any person copartnership association railroad or other corporation or municipality or political subdivision deemed necessary for the construction of any such bridge or tunnel upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof and to take title thereto in the name of the Commonwealth

Section 7 Bridge and Tunnel Revenue Bonds The commisison is hereby authorized to provide by resolution at one time or from time to time for the issuance of Eridge or Tunnel Revenue Bonds of the Commission for the purpose of paying the cost as hereinabove defined of any one or more such bridges or tunnels which resolution shall recite an estimate of each issue of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment Such bonds shall bear interest at not more than six per centum per annum payable semiannually shall mature at such time or times not more than forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of the bonds including the interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth Bonds iss ed b the commission shall be signed by the chairman of the commission under the seal of the commission and attested by the securetary of the commission and the coupons attached thereto shall bear the facsimile signature of the chairman of the commission. All bonds issued under this act shall contain a statement on their face that the Commonwealth shall not be obligated to pay the same or the interest thereon except from the revenues of such bridges or tunnels In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery All such bonds shall be and shall have and are hereby declared to have all the qualities and interests of negotiable instruments under the negotiable instruments law of the Commonwealth Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth Provisions may be made for the registration of any of the bonds in the name of the owner as to principal alone and also as to both principal and interest The commission may sell such bonds in such manner and for such price as it may determine to be approriate for the accomplishment of the purposes of this act taking into consideration the financial responsibility of the purchaser the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the bridges or tunnels Such bonds shall be sold for not less than a price which computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values will show a net return of six per centum per annum to the purchaser upon the amount paid therefor Such bonds may be sold at private sale without advertisement The proceeds of such bonds shall be used solely for the payment of the cost of the bridges or tunnels and shall be checked out by the chairman of the commission under such restrictions if any as such commission may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the bridge or bridges or tunnel or tunnels additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the trust indenture hereinafter mentioned shall be deemed to be of the same issue and shall be entitled

to payment from the same fund without preference or priority of the bonds first issued for the same bridge or bridges or tunnel or tunnels If the proceeds of bonds issued for any bridge or bridges or tunnel or tunnels shall exceed the cost thereof the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of said bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 8 Lien upon Bond Proceeds All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the bridges or tunnels or to the appurtenant sinking fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 9 Trust Indenture In the discretion of the commission each or any issue of such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth but no such trust indenture shall convey or mortgage any bridge or tunnel or any part thereof Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition construction improvement maintenance operation repair and insurance of the bridges or tunnels the custody safe-guarding and application of all moneys The trust indenture may also provide that the bridges or tunnels shall be acquired constructed and paid for under the supervision and approval of consulting engineers employed or designated by the commission and satisfactory to the original purchasers of the bonds issued therefor their successors assigns or nominees who may be given the right to require that the security given by contractors and by any depository of the proceeds of the bonds or revenues of the bridges or tunnels or other moneys pertaining thereto be satisfactory to such purchasers successors assigns or nominees Such indenture may set forth the rights and remedies of the bondholders and trustee restricting the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations Except as in this act otherwise provided the commission may provide by resolution or by such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the bridges or tunnels to the custody thereof and for the method of disbursement such officer board or depository as it may determine for thereof with such safeguards and restrictions as it may determine All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repairs of the bridge or bridges or tunnel or tunnels affected by such indenture

Section 10 Bridge and Tunnel Tolls The commission shall fix charge and collect tolls for transit over such bridges or through such tunnels and such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the bridge or bridges or tunnel or tunnels for which a single issue of bonds is issued as to provide a fund sufficient to pay such issue of bonds and the interest thereon and to provide an additional fund to pay the cost of maintaining repairing and operating such bridge or bridges or such tunnel or tunnels subject however to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made The tolls from the bridge or bridges or tunnel or tunnels for which a single issue of bonds is issued except such part thereof as may be necessary to pay such cost of maintaining repairing and operating during any period in which such cost is not otherwise provided for during which period the tolls may be reduced accordingly shall be set aside each month in a sinking fund which is hereby pledged to and charged with the payment of (a) the interest upon such bonds as such interest shall fall due (b) the necessary fiscal agency charges for paying bonds and interest and (c) the payment of such bonds Such sinking fund shall be a fund for all such bonds without distinction or priority of one over another Prior to the issuance of the bonds the commission may provide by resolution or by such trust indenture for the use of the sinking fund or any part thereof in the purchase of any of the outstanding bonds payable therefrom at the market price thereof but not exceeding the price if any at which the same shall at the next interest date be payable or redeemable and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued The moneys in the sinking fund less a reserve for payment of not exceeding one year's interest on the bonds if not used within a reasonable time for the purchase of bonds for cancellation as above provided shall be applied to the redemption of bonds by lot at the redemption price then applicable

Section 11 Cessation of Tolls When the particular bonds issued for any bridge or bridges or any tunnel or tunnels and the interest thereon shall have been paid or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose the commission shall cease to charge tolls for the use of such bridge or bridges or such tunnel or tunnels and thereafter such bridge or bridges or such tunnel or tunnels shall be free unless tolls are required for maintaining repairing and operating such bridge or bridges or such tunnel or tunnels due to the lack of funds from other sources than tolls

Section 12 Action by Trustee and Bondholders Any holder of any of such bonds or any of the coupons attached thereto and the trustee if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel peformance of all duties required by this act or by such resolution or trust indenture to be performed by the Commonwealth or by the commission or any officer thereof including the fixing charging and collecting of tolls for transit over such bridges or through such tunnels

Section 13 Contributions The commission in addition to the revenues which may be received from the sale of brdge and tunnel revenue bonds and from the collection of tolls and other bridge and tunnel revenues derived under the provisions of this act shall have authority to receive and accept contributions of either money or property or other things of value to be held used and applied for the purposes in this act provided and to receive accept grants from the United States or any of its agencies for such purposes.

Section 14 Competing Bridges [and] Ferries and Tunnels No bridge for the use of the traveling public located as provided in section three of this act shall hereafter be constructed and operated by any county municipal corporation or political subdivision of the Commonwealth or by any person copartnership association or coropration or no franchise shall hereafter be granted for the operation of a ferry within five miles of any toll bridge nor shall

any tunnel be so constructed and operated within five miles of any toll tunnel for the acquisition or construction of which bridge or tunnel revenue bonds shall have been authorized under this act except under a written permit granted by the commission No such permit shall be granted by the commission until it shall ascertain by an investigation including a hearing upon such notice and under such rules as the commssion may prescribe that there is an urgent public need for the operation of such bridge or such ferry or such tunnel and that its operation will not affect the revenues of any such toll bridge or tunnel of the Commonwealth so as to impair the security of any bridge or tunnel revenue bonds issued for the acquisition or construction of such bridge or tunnel

Section 15 General Powers of the Commission The above enumeration of powers and duties of the commission shall not be construed as a limitation upon the general powers or duties of said commission It shall be the duty of the commission in addition to the powers and duties enumerated in this act to do and perform any and all things and acts necessary in the construction or acquisition maintenance and operation of any bridge or tunnel to be constructed or acquired under the provisions of this act to the end that such bridge or bridges or tunnel or tunnels may become and be operated free of tolls as early as possible and practicable subject only to the express limitations of this act and the limitations of other laws and constitutional provisions applicable hereto.

Section 16 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

[Section 17 This act shall become effective on the first day of June one thousand nine hundred thirty-one]

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1626, as follows:

An Act providing for the escheat of certain dividends profits debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money securities or other property for safe-keeping except building and loan associations and fiduciaries with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such proprty by the award of any court and the actual distribution thereof and providing for the payment of fees and the procedure in the discovery and collection thereof and in connection therewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after any dividend or dividends profit or profits declared by any association or corporation not engaged in the business of receiving deposits of money securities or other property for safe-keeping shall have been and remained due and unpaid for three successive years such dividends and profits shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Section 2 After any debt or debts or interest on any debt or debts owed by any association or corporation not engaged in the business of receiving deposits of money securities or other property for safe-keeping shall have been and remained due and unpaid for three successive years such debt or debts and such interest on any debt or debts shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Section 3 Such escheat shall at the suggestion of the Department of Revenue be determined and enforced by an action in the nature of a bill of discovery with respect to the subject of this act filed by and in the name of the Attorney General against the debtor who holds unclaimed dividends profits unpaid debts or interest on such debts escheatable under the provisions of this act in the court of common pleas for the county where the debtor association or corporation maintains its principal office in this Commonwealth without the necessity for specifying the items which should escheat with the right to compel an answer or answers under oath with the right to subpoena persons as witnesses and with the right to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items made escheatable by the provisions of this act and to make the parties to the bill the creditors as ascertained Any number of items may be joined in one action against one debtor although owed to different creditors

After the ascertainment of the creditors as provided for herein or otherwise the said creditors shall be made parties defendant and served with notice of the proceedings If service of the bill connot be paid on creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor association or corporation has its principal office in this Commonwealth and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sum from the debtor but for the provisions of this act and if this right shall not be barred by the statue of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasurer for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per cent per annum from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

Section 4 Any person who shall first inform the Department of Revenue by writing signed by such person in the presence of two subscribing witnesses that any escheat has occurred by reason of the fact that a certain dividend or dividends profit or profits declared by any association or corporation not engaged in the business of receiving deposits of money securities or other property for safe-keeping or that any debt or interest on any debt owed by such association or corporation has been and remained due and unpaid for three successive years shall be entitled to one-fourth of the proceeds of all the dividends profits interest debts and interest or accruals thereon that shall be declared escheated to the Commonwealth in pursuance or such information after deducting from the said proceeds all the proper costs and charges incident to the establishing of such escheat Such fee shall be paid out of the State Treasury upon warrant of the Auditor General following requisition by the Department of Revenue

In all cases of dispute where two or more persons shall claim the reward allowed by this section in consequence of information given to the Department of Revenue of an escheat it shall and may be lawful for such person or persons or either of them to petition the court having jurisdiction of the escheat proceedings stating the facts whereupon the said court may proceed to determine the matter in dispute and if the case requires it may direct an issue to be framed between the parties to try their right to the reward aforesaid which shall be paid according to the final determination of said court or of said issue as to the case may be

Section 5 The word "debtor" in this act shall include associations and corporations doing business in this Commonwealth which are not engaged in the business of receiving deposits of money securities or other property for safe-keeping

The word "creditor" in this act shall include person persons partnerships associations and corporations to whom dividends or profits have been declared to whom debts and interest on debts are or have been owed

Section 6 This act shall not apply to associations and corporations engaged in the business of receiving deposits of money securities or other property for safe-keeping nor to associations or corporations that act as fiduciaries nor to building and loan associations

Section 7 All acts and parts of acts supplied by or inconsistent with the terms of this act shall be and the same are hereby repealed

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1143, entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week, except in emergency cases.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Education, reported as amended, Senate Bill No. 1193 (House Bill No. 2194) entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" making it unlawful for any board of school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ.

MOTION TO READ BILLS THE FIRST TIME

Mr. ARON. Mr. President. I move that all bills reported from committee at today's session be read the first time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 91, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by adding section two hundred and fifty-nine, defining the power of the Board of Fish Commissioners to prohibit fishing at night time for trout or in streams containing trout.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 336 (House Bill No. 117), entitled:

An Act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties imposing certain duties on the Department of Internal Affairs and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 651 (House Bill No. 1243), entitled:

An Act to amend title of and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (P. L. 52) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 778 (House Bill No. 934), entitled:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (P. L. 109) entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to points submitted and the conclusions of law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1044 (House Bill No. 1749), entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one as amended of the act approved the fourth day of May one thousand nine hundred

and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1143, entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week, except in emergency cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1240, entitled:

An Act making an appropriation to the Alpha Fire Company Incorporated for the protection of the property of the Pennsylvania State College

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1277 (House Bill No. 2314), entitled:

An Act authorizing cities of the second class to issue and sell short term promissory notes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1307, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1430 (House Bill No. 248), entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1479 (House Bill No. 2487), entitled:

An Act to further amend sections eight ten sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes providing an effective date for the condemnation of easements for highway purposes and slopes providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings extending the Commonwealth's obligation to additional bridges providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures requiring occupancy permits for additional types of structures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1516, entitled:

An Act for the protection of producers of farm produce; providing for the licensing and regulation of certain individuals and entities receiving, selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce; conferring powers and imposing duties on the Department of Agriculture, and otherwise providing for the administration of this act; providing for appeals and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1530, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, and in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts;" as amended, requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1577 (House Bill No. 2583), entitled:

An Act to amend sections 102 203 as amended section 209 sections 405 410 411 as amended sections 505 602 712 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the dispositon of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1624, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," by limiting the amount of tax that may be levied by any school district, except in certain cases; and requiring the Commonwealth to pay the full amount of all minimum salaries and increments of all members of the teaching and supervisory staffs in all school districts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1625, entitled:

An Act requiring the compensation of all deputy sheriffs to be paid by the counties in which they are employed, prohibiting all contracts and agreements for the payment thereof by any person, copartnership, association or corporation, except by reimbursing the county, and fixing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1629 (House Bill No. 1805), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1633 (House Bill No. 2579), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1634 (House Bill No. 2714), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1635 (House Bill No. 2896), entitled:

An Act making appripriations to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1636, entitled:

An Act making an appropriation for the payment of the salaries of Members of the Senate and House of Representatives elected to fill vacancies happning during the Session of the General Assembly of one thousand nine hundred and thirty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, on the second reading Calendar today, there are several bills which have not come from the printer. Among them are some important bills, and one bill of particular importance, to wit: the amendments to the Workmen's Compensation law, as contained in the Batchelor bill, and I think it is very important that the Senate act on that bill on second reading. I desire to inquire of the Chair that he inform the Senate as to when these bills, the Workmen's Compensation bill in particular, are likely to come from the printer.

The PRESIDENT. The Chair informs the Senator from Dauphin, Mr. Reed, just as soon as possible. The Senate will take a recess, and during that period an effort will be made to find out all we can about the bills in the hands of the printer.

RECONSIDERATION OF SENATE BILL No. 707

Mr. RUPP. Mr. President, I move to reconsider the vote by which Senate Bill No. 707, entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations engaged in the business of ourdoor advertising by means of billboards signs or structures and the issuing of permits for the erection use and maintenance thereof levying an excise tax for the use of the Commonwealth prescribing the location in which said billboards signs and structures may be located and providing penalties

was ordered to be transcribed for third reading.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. RUPP. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The tenth, ninth, eighth, seventh, sixth, fifth and fourth sections of the bill were separately reconsidered.

Mr. RUPP. Mr. President, I move to reconsider the vote by which the third section of the bill was agreed to.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 3, page 2, line 29, by inserting the words "town or" after the word city by striking out the words "or township which under au" and on Section 3, page 3, strike out lines 1 and 2.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read.

And the question recurring,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 4, page 3, line 6, by striking out "business of"; amend section 4, page 3, line 10 and 11 by striking out the words "for rental or other compensation received or to be received therefor."

Mr. RUPP. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read and agreed to.

The sixth section of the bill was read.

And the question recurred,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 6, page 4, lines 11 and 12 by striking out "rentals or other compensation received or" and in lieu thereof insert the word "the"; amend section 6, page 4, line 19 by striking out "One Hundred Dollars ($100.00)" and insert in lieu thereof "Applicants maintaining up to 4 locations $10.00 Applicants maintaining up to 5 to 24 locations $25.00 Applicants maintaining up to 25 to 49 locations $50.00 Applicants maintaining up to 50 to 99 locations $75.00 Applicants maintaining up to 100 to 199 locations $100.00 Applicants maintaining up to 200 to 299 locations $150.00 Applicants maintaining up to 300 to 399 locations $200.00 Applicants maintaining 400 or over locations $250.00"; amend section 6, page 4, line 22, by striking out the word "business".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh and eighth sections of the bill were read and agreed to.

The ninth section of the bill was read.

And the question recurring,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 9, page 7, by striking out the lines 8 to 26 beginning with the word "No"; amend Section 9, page 8, lines 5 to 8 inclusive beginning at the word "where" and insert in lieu thereof "where it would cause a traffic hazard".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth section of the bill was read.

And the question recurring,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 10, page 8, line 16, by inserting after the word "continues" the words "provided ten days notice is given for removal of such offense"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read.

And the question recurring,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend section 11, page 9, line 18 by striking out the words "or posters to announce agricultural exhibitions".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Mr. RUPP. Mr. President, I move to amend title page 1, line 2 and 3 strike out "engaged in the business of" and insert in lieu thereof "doing any."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS ON SECOND READING

The PRESIDENT. Since the recess the following bills have been delivered from the printer: Senate Bill No. 1157, Senate Bill No. 1455, Senate Bill No. 1621.

Mr. REED. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1455 (House Bill No. 2852), on second reading, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

Mr. HARVEY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1455 (House Bill No. 2852), entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint four members of the House and the President Pro Tempore shall appoint four members of the Senate who together shall constitute a continuing joint legislative committee to be known as the Joint State Government Committee and whose duty it shall be to make studies for the use of the legislative branch of government seeking to improve the administrative organization of the State Government to eliminate waste and overlapping functions to institute economies to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis to gather budget information for the use of the General Assembly and to make such other studies and gather such other information as may be deemed useful to the General Assembly Said committee shall organize by the selection of a chairman The Secretary of the Senate shall be Secretary of the Committee and the Chief Clerk of the House of Representatives shall be Assistant Secretary of the Committee The committee shall have power to employ such clerical assistance as may be deemed necessary Said committee shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged

Section 2 Said committee shall have power to sit during the interim between legislative sessions and shall from time to time report to the General Assembly such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly

Section 3 Any vacancies occurring in the membership of said committee shall be filled by appointments by the Speaker or President Pro Tempore of members of the House or Senate as the case may be to take the place of those persons whose membership in the House or Senate may have ceased

Section 4 Biennially an item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the committee constituted by this act and for clerical hire and incidental expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. GRAFF. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1621, on second reading, entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred and ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth

and any department board or commission thereof from the payment of certain patent fees

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1621, entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled unpatented lands providing for their adjustment and for "An act relative to the liens of the Commonwealth against the granting of patents" as last amended by the act approved the twenty-eighth day of May one thousand nine hundred fifteen (Pamphlet Laws five hundred seventy-one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That in all cases where it shall appear from the records of the Department of Internal Affairs that there have been applications made or warrants granted by the Commonwealth for lands or lots inlots outlots reserve lots or other lands sold under acts of Assembly or by commissioners appointed under acts of Assembly the titles to which have not been completed by the granting of patents and where liens have been or have not been entered of record against such unpatented lands for unpaid purchase money interest and fees pursuant to the act approved May twentieth one thousand eight hundred and sixty-four and its supplements the Secretary of Internal Affairs be and he is hereby authorized to make settlement as provided in the act of May twenty-sixth one thousand eight hundred and ninety-seven with the owners of such unpatented lands upon the payment of the patent fees amounting to fifteen dollars except that no fee shall be paid by the Commonwealth or any department board or commission thereof and upon the presentation of applications with satisfactory proofs of ownership to grant the patent [to] of the Commonwealth which shall operate as a release of all claims of the Commonwealth under said liens the same as if the entire amount of purchase money and interest has been paid Provided That nothing herein contained shall be construed to repeal the act of March twelfth one thousand nine hundred and fifteen entitled "An act authorizing the surrender and delivery of mortgages and writings obligatory secured thereby given to the Commonwealth and the satisfaction of the record thereof when full payment has been made" which said last mentioned act is intended to authorize the Attorney General to enter satisfaction upon the record of mortgages as therein stated and is not intended to apply to or interfere with the right of the Secretary of Internal Affairs to enter satisfaction on the lien of the docket of the Department of Internal Affairs and to issue a certificate showing said payment and satisfaction of liens for patented or unpatented lands as now provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

COMMITTEE TO INVESTIGATE THE CONSTRUCTION OF A HIGHWAY ON THE SOUTH PENN RAILROAD ROUTE THROUGH THE ALLEGHENY MOUNTAINS BETWEEN HARRISBURG AND PITTSBURGH.

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government:

In the House of Representatives, April 23, 1935.

Whereas, The Federal Government, in order to alleviate unemployment, is developing various useful public works; and

Whereas, The newspapers throughout the State have brought to the attention of many thousands of its citizens and to the members of this Legislature a project advanced by the State Planning Board involving the construction of a highway upon the abandoned railway grade of the South Penn Railroad through the Allegheny Mountains between Harrisburgh and Pittsburgh; and

Whereas, At the time construction was abandoned by the South Pennsylvania Railroad in 1885, nine tunnels through the mountains were approximately two-thirds completed and many miles of right of way were graded; and

Whereas, The completion of these tunnels and the construction of the intervening portions of highway, would provide the general public with a highway free from excessive grades, avoiding the dangerous storms upon the mountain tops, and upon which it would appear that at no point the highway grade would be in excess of one hundred feet to the mile; and

Whereas, The completion of these tunnels and the construction of this highway would require approximately 32,000,000 man hours of labor and would furnish immediate employment to many unemployed men now upon the relief rolls of the State; and

Whereas, All the materials entering into the construction project will be produced by the industries of Pennsylvania; and

Whereas, It is estimated that the cost of completion and operation of the roadway and these highway tunnels may be defrayed within a reasonable period of time by a system of tolls to be charged for the use of the tunnels; and

Whereas, This South Penn Tunnel Highway would possess invaluable military value in time of war; therefore be it

Resolved (if the Senate concur), That a committee of three members of the Senate and three members of the House to be appointed by the President Pro Tempore and Speaker respectively, and in connection with the State Highway Department, the Federal Bureau of Public Roads and the State Planning Board, and such other consultants as they choose to engage, make an investigation of this project; and

Resolved, That said committee shall make a report to the Legislature during the present session as promptly as possible, that they shall continue their investigations until a thorough study is completed.

RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE FEDERAL EMERGENCY RELIEF ADMINISTRATOR RELATIVE TO EMPLOYMENT OF PERSONS ON FEDERAL EMERGENCY RELIEF PROJECTS AND THE APPOINTMENT OF COMMITTEES.

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, May 2, 1935.

Whereas, The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief; and

Whereas, Many meritorious citizens refuse to become beneficiaries of direct relief, and even though in want, are thus denied work to which they are entitled; therefore be it

Resolved (if the Senate concur), That the President of the United States and the Federal Emergncy Relief Administrator be respectfully memorialized to permit the employment on Federal Emergency Relief Projects of persons who are in need of employment and who are not receiving direct relief and also of persons who are receiving direct relief and who are able to secure part-time employment in industry which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief

Resolved That the Federal Emergency Relief Administrator be requested to constitute in each political subdivision of this Commonwealth a committee of five persons to pass upon applications of persons mentioned in the preceding resolution who are in need of work relief

Resolved, That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week, to hear applications of persons desiring work relief and who come within the terms of this resolution, and shall have power to issue to persons who are deemed worthy, certificates, furnished by the State Emergency Relief Board, evidencing the belief that the holder thereof is entitled to employment, full time or part time, on any work relief project. No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief, and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief;

Resolved, That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees, and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief, or that he may be employed part time in industry;

Resolved, That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry, and is in need of additional income in order to forego direct relief;

Resolved That a copy of this resolution be transmitted to the President of the United States the Federal Emergency Relief Administrator and to the State Emergency Relief Board by the Chief Clerk of this House

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1924

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1924, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the betttr protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of licenses to the regstration of and the conducting of business by corporations not previously licensed and registered.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House of Representatives as follows:

House Bill No. 978 (Senate Bill No. 1637), entitled:

An Act to amend the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "Beauty Culture Law," creating a new limited classification of operators; increasing the eligibility requirements for examination and requrements for school regstration; and increasing certain fees.

Which was committed to the Committee on State Government.

BILLS SIGNED

The PRESIDENT PRO-TEMPORE (Mr. John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct the titles were publicly read as follows:

Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of licenses to the regstration of and the conducting of business by corporations not previously licensed and registered.

Senate Bill No. 563, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters, with the advice of the Bushy Run Battlefield Commission, of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield; and making an appropriation.

House Bill No. 2270, entitled:

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "Tymatuning Swamps Reservoir Project Law" conferring additional powers and duties on the Water and Power Resources Board.

Whereupon,

The PRESIDENT PRO-TEMPORE (Mr. John G. Homsher) in the presence of the Senate signed the same.

RECESS

Mr. ARON. Mr. President, I move that the Senate do now take a recess until 6:00 P. M. today.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL ON SECOND READING

Mr. REED. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1459, on second reading, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits increasing medical and hospital benefits making changes

in the definition of "wages" providing compensation for accidents arising out of and in the course of employment regulating proof in hernia cases further defining dependency as to widows extending the time for the commencement of proceedings to recover compensation in certain cases providing for autopsies in cases of death from injury further regulating the review modification reinstatement suspension and termination of original and supplemental agreements and awards requiring employers to pay the compensation of physicians surgeons and experts appointed by the board or referees to make examinations providing that final receipts for compensation shall be conclusive after two years further defining the jurisdiction and powers of the reefrees board and courts of common pleas and repealing section four hundred and twenty-six of said act

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1459, as follows:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits increasing medical and hospital benefits making changes in the definition of "wages" providing compensation for accidents arising out of and in the course of employment regulating proof in hernia cases further defining dependency as to widows extending the time for the commencement of proceedings to recover compensation in certain cases providing for autopsies in cases of death from injury further regulating the review modification reinstatement suspension and termination of original and supplemental agreements and awards requiring employers to pay the compensation of physicians surgeons and experts appointed by the board or referees to make examinations providing that final receipts for compensation shall be conclusive after two years further defining the jurisdiction and powers of the referees board and courts of common pleas and repealing section four hundred and twenty-six of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as variously amended is hereby re-enacted and amended to read as follows

Article I Interpretation and definition

Article II Defining the liability of an employer in an action at law for damages for personal injury to an employe and abolishing in whole or in part certain defenses thereto

Article III Establishing a system of compensation by agreement prescribing the method by which such agreement shall be made and terminated defining the injuries for which compensation is payable the persons to whom it is payable its amount and the condition under which and the manner in which it is payable

Article IV Providing a procedure for the determination and settlement of claims for compensation

Article V General provisions

ARTICLE I

INTERPRETATION AND DEFINITION

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be called and cited as The Workmen's Compensation Act of one thousand nine hundred fifteen and shall apply to all accidents occurring within this Commonwealth irrespective of the place where the contract of hiring was made renewed or extended and shall not apply to any accident occurring outside of the Commonwealth except to accidents occurring to State employes outside the Commonwealth while such employes are engaged in duly authorized business of the State and except accidents occurring to Pennsylvania employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth not over ninety days when such employes are performing services for employers whose place of business is within the Commonwealth

Section 102 Wherever in this act the singular is used the plural shall be included where the masculine gender is used the feminine and neuter shall be included.

Section 103 The term "employer" as used in this act is declared to be synonymous with master and to include natural persons partnerships joint-stock companies corporations for profit corporations not for profit municipal corporations the Commonwealth and all governmental agencies created by it

Section 104 The term "employe" as used in this act is declared to be synonymous with servant and includes [all]

(a) All natural persons who perform services for another for a valuable consideration exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer and exclusive of persons to whom articles or materials are given out to be made up cleaned washed altered ornamented finished or repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer

(b) All members or employes of volunteer fire companies of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employes" of such cities boroughs incorporated towns and townships for all the purposes of this act and shall be entitled to receive compensation under this act in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies of which they are members shall have attended

Section 105 The term "contractor" as used in article two section two hundred and three and article three section three hundred and two (b) shall not include a contractor engaged in an independent business other than that of supplying laborers or assistants in which he serves persons other than employer in whose service the accident occurs but shall include a sub-contractor to whom a principal contractor has sublet any part of the work which such principal contractor has undertaken.

Section 106 The exercise and performance of the powers and duties of a local or other public authority shall for the purposes of this act be treated as the trade or business of the authority

Section 107 The term "Bureau" when used in this act shall mean the Bureau of Workmen's Compensation of the Department of Labor and Industry

The term "Board" when used in this act shall mean the Workmen's Compensation Board of the Bureau

ARTICLE II

DAMAGES BY ACTION AT LAW

Section 201 That in any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury it shall not be a defense

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the injury or

(c) That the injury was caused in any degree by the

negligence of such employe unless it be established that the injury was cuased by such employe's intoxication or by his reckless indifference to danger the burden of proving such intoxication or reckless indifference to danger shall be upon the defendant and the question shall be one of fact to be determined by the jury

Section 202 The employer shall be liable for the negligence of all employes while acting within the scope of their employment including engineers chauffeurs miners mine-foremen fire-bosses mine superintendents plumbers officers of vessels and all other employes licnsed by the State or other governmental authority if the employer be allowed by law the right of free selection of such employes from the class of persons thus licensed and such employes shall be the agents and representatives of their employers and their employers shall be responsible for the acts and neglects of such employes as in the case of other agents and employes of their employers and notwithstanding the employment of such employes the property in and about which they are employed and the use and operation thereof shall at all times be under the supervision management and control of their employers

Section 203 An employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to such employe or contractor shall be liable to such laborer or assistant in the same manner and to the same extent as to his own employe

Section 204 No agreement composition or release of damages made before the happening of any accident except the agreement defined in article three of this act shall be valid or shall bar a claim for damages for the injury resulting therefrom and any such agreement other than that defined in article three herein is declared to be against the public policy of this Commonwealth The receipt of benefits from any association society or fund shall not bar the recovery of damages by action at law nor the recovery of compensation under article three hereof and any release executed in consideration of such benefits shall be void

ARTICLE III

ELECTIVE COMPENSATION

Section 301 When employer and employe shall by agreement either express or implied as hereinafter provided accept the provisions of article three of this act compensation for personal injury to or for the death of such employe by an accident arising out of and in the course of his employment shall be made in all cases by the employer without regard to negligence according to the schedule contained in sections three hundred and six and three hundred and seven of this article provided that no compensation shall be made when the injury or death be intentionally self-inflicted but the burden of proof of such fact shall be upon the employer

The terms "injury" and "personal injury" as used in this act shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and whenever death is mentioned as a cause for compensation under this act it shall mean only death resulting from such violence and its resultant effects and occuring within three hundred weeks after the accident The term "injury by an accident arising out of and in the course of his employment" as used in this article shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him and not directed against him as an employe or because of his employment but shall include all other injuries sustained while the employe is actually engaged in the furtherance of the business or affairs of the employer whether upon the employer's premises or elsewhere and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon sustained by the employe who though not so engaged is injured upon the premises occupied by or under the control of the employer or upon which the employer's business or affairs are being carried on the employe's presence thereon being required by the nature of his employment

Section 302 (a) In every contract of hiring made after December thirty-first one thousand nine hundred and fifteen and in every contract of hiring renewed or extended by mutual consent expressed or implied after said date it shall be conclusively presumed that the parties have accepted the provisions of article three of this act and have agreed to be bound thereby unless there be at the time of the making renewal or extension of such contract an express statement in writing from either party to the other that the provisions of article three of this act are not intended to apply and unless a true copy of such written statement accompanied by proof of service thereof upon the other party setting forth under oath or affirmation the time place and manner of such service be filed with the Bureau within ten days after such service and before any accident has occurred Every contract of hiring oral written or implied from circumstances now in operation or made or implied on or before December thirty-first one thousand nine hundred and fifteen shall be conclusively presumed to continue subject to the provisions of article three hereof unless either party shall on or before said date in writing have notified the other party to such contract that the provisions of article three hereof are not intended to apply and unless there shall be filed with the Bureau a true copy of such notice together with proof of service within the time and in the manner hereinabove prescribed Provided however That the provisions of this section shall not be so construed as to impair the obligation of any contract now in force In the employment of minors article three shall be presumed to apply unless the said written notice be given by or to the patient or guardian of the minor It shall not be lawful for any officer or agent of this Commonwealth or for any county city borough or township therein or for any officer or agent thereof or for any other governmental authority created by the laws of this Commonwealth to give such notice of rejection of the provisions of this article to any employe of the State or of such governmental agency

(b) After December thirty-first one thousand nine hundred and fifteen an employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor for the performance upon such premises of a part of the employer's regular business entrusted to that employe or contractor shall be conclusively presumed to have agreed to pay to such laborer or assistant compensation in accordance with the provisions of article three unless the employer shall post in a conspicuous place upon the premises where the laborer's or assistant's work is done a notice of his intention not to pay such compensation and unless there be filed with the Bureau within ten days thereafter and before any accident has occurred a true copy of such notice together with proof of the posting of the same setting forth upon oath or affirmation the time place and manner of such posting and after December thirty-first one thousand nine hundred and fifteen any such laborer or assistant who shall enter upon premises occupied by or under the control of such employer for the purpose of doing such work shall be conclusively presumed to have agreed to accept the compensation provided in article three in lieu of his right of action under article two unless he shall have given notice in writing to the employer at the time of entering upon such employer's premises for the purpose of doing his work of his intention not to accept such compensation and unless within ten days thereafter and before any accident has occurred there shall have been filed with the Bureau a true copy of such notice accompanied by proof of service thereof upon such employer setting forth under oath or affirmation the time place and manner of such service And in such cases where article three binds such employer and such laborer or assistant it shall not be in effect between the immediate employer or contractor and such laborer or assistant unless otherwise expressly agreed

Section 303 Such agreement shall constitute an acceptance of all the provisions of article three of this act and shall operate as a surrender by the parties thereto of their rights to any form or amount of compensation or damages for any injury or death arising out of and occurring in the course of the employment or to any method of determination thereof other than as provided in article

three of this act Such agreement shall bind the employer and his personal representatives and the employe his or her wife or husband widow or widower next of kin and other dependents

Section 304 Any agreement between employer and employe for the operation or non-operation of the provisions of article three of this act may be terminated prior to any accident by either party upon sixty days' notice to the other in writing if a copy of such notice with proof of service be filed in the Bureau as provided in section three hundred and two of this article

Section 305 Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund or in any insurance company or mutual association or company authorized to insure such liability in this Commonwealth unless such employer shall be exempted by the Bureau from such insurance An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the Bureau showing his financial ability to pay such compensation whereupon the Bureau if satisfied of the applicant's financial ability shall by written order make such exemption The Bureau may from time to time require further statements of the financial ability of such employer and if at any time such employer appear no longer able to pay compensation shall revoke its order granting exemption in which case the employer shall immediately subscribe to the State Fund or insure his liability in a mutual association or company as aforesaid

If any employer fails to comply with the provisions of this section such employer shall be guilty of a misdemeanor and upon conviction thereof for every such failure shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and costs of prosecution or imprisonment for a period of not more than six months or both at the discretion of the court Every day's violation shall constitute a separate offense It shall be the duty of the bureau to enforce the provisions of this section and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof All fines recovered under the provisions of this section shall be paid by the clerk of the court to the bureau and by it paid into the State Treasury

Section 306 The following schedule of compensation is hereby established for injuries resulting in total disability

(a) For the first five hundred weeks after the seventh day of total disability sixty-five per centum of the wages of the injured employe as defined in section three hundred and nine but the compensation shall not be more than [fifteen] sixteen dollars and fifty cents per week nor less than [seven] eight dollars per week and shall not exceed in aggregate the sum of [sixty-five hundred] seven thousand dollars Provided That if at the time of injury the employe receives wages of less than [seven] eight dollars per week then he shall receive the full amount of such wages per week as compensation Nothing in this clause shall require payment of compensation after disability shall cease Should partial disability be followed by total disability the period of five hundred weeks mentioned in this clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability

(b) For disability partial in character (except the particular cases mentioned in clause (c)) sixty-five per centum of the difference beween the wages of the injured employe as defined in section three hundred and nine and the earning power of the employe thereafter but such compensation shall not be more than [fifteen] sixteen dollars and fifty cents per week This compensation shall be paid during the period of such partial disability not however beyond three hundred weeks after the seventh day of [such partial] disability Should total disability be followed by partial disability

(c) For all disability resulting from permanent injuries of the following classes the compensation shall be exclusively as follows

For the loss of a hand sixty-five per centum of wages during one hundred and seventy-five weeks

For the loss of an arm sixty-five per centum of wages during two hundred and fifteen weeks

For the loss of a foot sixty-five per centum of wages during one hundred and fifty weeks

For the loss of a leg sixty-five per centum of wages during two hundred and fifteen weeks

For the loss of an eye sixty-five per centum of wages during one hundred and twenty-five weeks

For the loss of a thumb sixty-five per centum of wages during sixty weeks

For the loss of a first finger commonly called index finger sixty-five per centum of wages during thirty-five weeks

For the loss of a second finger sixty-five per centum of wages during thirty weeks

For the loss of a third finger sixty-five per centum of wages during twenty weeks

For the loss of a fourth finger commonly called little finger sixty-five per centum of wages during fifteen weeks

The loss of the first phalange of the thumb or of any nger shall be considered equivalent to the loss of one-half of such thumb or finger and shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger

For the loss of any two or more such members or the permanent loss of the use of the hand arm foot leg or eye as hereinbefre provided not constituting total disability sixty-five per centum of wages during the aggregate of the periods specified for each

For serious and permanent disfigurement of the head or face of such a character as to produce an unsightly appearance and such as it not usually incident to the employment sixty-five per centum of wages not to exceed one hundred and fifty weeks

Unless the board shall otherwise determine the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability to be compensated acerding to the provisions of clause (a)

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg Permanent loss of the use of a hand arm foot leg eye finger or thumb shall be considered as the equivalent of the loss of such hand arm foot leg eye finger or thumb

This compensation shall not be more than [fifteen] sixteen dollars and fifty cents per week nor less than [seven] eight dollars per week Provided That if at the time of injury the employe receives wages of less than [seven] eight dollars per week then he shall receive the full amount of such wages per week as compensation

(d) No compensation shall be allowed for the first seven days after disability begins except as hereinafter provided in clause (e) of this section

(e) During the first [thirty] sixty days after [disability begins] the accident the employer shall furnish reasonable surgical and medical services medicines and supplies as and when needed unless the employe refuses to allow them to be furnished by the employer The cost of such services medicines and supplies shall not exceed [one] two hundred dollars [$100] ($200) If the employer shall upon application made to him refuse to furnish such services medicines and supplies the employe may procure the same and shall receive from the employer the reasonable cost thereof within the above limitations In addition to the above service medicines and supplies hospital treatment services and supplies shall be furnished by the employer for the said period of [thirty] sixty days The cost for such hospital treatment service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals If the employe shall refuse reasonable surgical medical and hospital services

medicines and supplies tendered to him by his employer he shall forfeit all right to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal

(f) Should the employe die as a result of the injury the period during which compensation shall be payable to his dependents under section three hundred and seven of this article shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article No reduction shall be made for the amount which may have been paid or contracted to be paid for medical and hospital services and medicines nor for the expenses of the last sickness and burial Should the employe die from some other cause than the injury the liability for compensation shall cease

(g) Hernia shall be considered as a physical weakness or ailment which ordinarily develops gradually and shall not be compensable unless conclusive medical proof is offered that the hernia was immediately precipitated by [such] sudden effort or severe strain and that first the descent of the hernia immediately followed the cause second there was actual pain in the hernial region third the above manifestations were of such severity that the same were immediately noticed by the claimant and communicated to the employer or a representative of the employer within forty-eight hours after the occurrence of the accident

Section 307 In case of death compensation shall be computed on the following basis and distributed to the following persons

1 If there be no widow nor widower entitled to compensation compensation shall be paid to the guardian of the child or children or if there be no guardian to such other persons as may be designated by the board as hereinafter provided as follows

(a) If there be either one or two children thirty-three per centum of wages of deceased but not in excess of [seven] eight dollars and [fifty] twenty-five cents per week

(b) If there be three children forty-four per centum of wages of deceased but not in excess of [ten] eleven dollars per week

(c) If there be four children fifty-five per centum of wages of deceased but not in excess of [twelve] thirteen dollars and [fifty] seventy-five cents per week

(d) If there be five children sixty-two and one-half per centum of wages of deceased but not in excess of [fourteen] fifteen dollars and forty cents per week

(e) If there be six or more children sixty-five per centum of wages of deceased but not in excess of [fifteen] sixteen dollars and fifty cents per week

2 To the widow or widower if there be no children forty-four per centum of wages but not in excess of [ten] eleven dollars per week

3 To the widow or widower if there be one child fifty-five per centum of wages but not in excess of [twelve and a half] thirteen dollars and seventy-five cents per week

4 To the widow or widower if there be two children sixty-two and one-half per centum of wages but not in excess of [fourteen] fifteen dollars and forty cents per week

4½ To the widow or widower if there be three or more children sixty-five per centum of wages but not in excess of [fifteen] sixteen dollars and fifty cents per week

5 If there be neither widow widower nor children entitled to compensation then to the father or mother if dependent to any extent upon the employe at the time of the accident twenty-five per centum of wages but not in excess of five dollars and fifty cents per week Provided however That in the case of a minor child who has been contributing to his parents the dependency of said parents shall be presumed and Provided further That if the father or mother was totally dependent upon the deceased employe at the time of the accident the compensation payable to such father or mother shall be forty-five per centum of wages but not in excess of [ten] eleven dollars per week

6 If there be neither widow widower children nor dependent parent entitled to compensation then to the brothers and sisters if actually dependent to any extent upon the decedent for support at the time of his death fifteen per centum of wages for one brother or sister and five per centum additional for each additional brother or sister with a maximum of twenty-five per centum such compensation to be paid to their guardian or if there be no guardian to such other person as may be designated by the board as hereinafter provided

7 Whether or not there be dependents as aforesaid reasonable expense of burial not exceeding one hundred and fifty dollars which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expense)

Compensation shall be payable under this section to or on account of any child brother or sister only if and while such child brother and sister is under the age of sixteen No compensation shall be payable under this section to a widow unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support Provided however That no compensation shall be payable under this section to a widow not living with her deceased husband at the time of his death who has not received actual contributions from him within three years prior thereto or to a widow who had not been living with her deceased husband at any time during the period of five years prior to his death No compensation shall be payable under this section to a widower unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support The terms "child" and "children" shall include stepchildren and adopted children and children to whom he stood in loco parentis if members of decedent's household at the time of his death and shall include posthumous children Should any dependent of a deceased employe due or remarry or should the widower become capable of self-support the right of such dependent or widower to compensation under this section shall cease Provided however That upon remarriage of any widow other than a nonresident alien widow the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her If the compensation payable under this section to any person shall for any cause cease the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased

The wages upon which death compensation shall be based shall not in any case be taken to exceed [twenty-four] twenty-six dollars and forty cents per week nor be less than [twelve] thirteen dollars and twenty cents per week

This compensation shall be paid during three hundred weeks and in the case of children entitled to compensation under this section the compensation of each child shall continue after said period of three hundred weeks until such child reaches the age of sixteen at the rate of seventeen and one-half per centum of wages but not in excess of [three] four dollars and [seventy-five] fifteen cents per week if there be one child twenty-seven and one-half per centum of wages but not in excess of six dollars and [twenty-five] ninety cents per week if there be two children thirty-eight and one-half per centum of wages but not in excess of [eight] nine dollars and [seventy-five] sixty-five cents per week if there be three children fifty per centum of wages but not in excess of [eleven] twelve dollars and [twenty-five] forty cents per week if there be four children fifty-five per centum of wages but not in excess of [twelve] thirteen dollars and [fifty] seventy-five cents per week if there be five children and sixty per centum of wages but not in excess [thirteen] fifteen dollars and [seventy-five] fifteen cents per week if there be six children or more The board may if the best interests of a child or children shall so require at any time order and direct the compensation payable to a child or children or to a widow or widower on account of any child or children to be paid to the guardian of such child or children or if there be no guardian to such other person as the board as hereinafter provided may direct If there be no guardian or committee of any minor dependent or insane employe or dependent on whose account compensation is payable the amount payable on account of such minor dependent or insane employe or

dependent may be paid to any surviving parent or to such other person as the board may order and direct and the board may require any person other than a guardian or committee to whom it has directed compensation for a minor dependent or insane employe or dependent to be paid to render as and when it shall so order accounts of the receipts and disbursements of such person and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person

Section 308 Except as hereinafter provided all compensation payable under this article shall be payable in periodical installments as the wages of the employe were payable before the accident

Section 309 Wherever in this article the term "wages" is used it shall be construed to mean the money rate at which the service rendered is recompensed under the contract of hiring in force at the time of the accident and shall not include gratuities received from the employer or others nor shall it include amounts deducted by the employer under the contract of hiring labor furnished or paid for by the employer and necessary for the performance of such contract by the employe but shall include board and lodging received from the employer Whenever the employe receives board and lodging as a part of his wages the board shall be rated at fifty cents per day and board together with lodging shall be rated at one dollar per day for the purpose of computing wages In seasonal occupations the employe's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident unless it be shown that during such year by reason of exceptional causes such method of computation does not ascertain fairly the earnings of the employe in which case the period for calculation shall be extended so far to give a basis for the fair ascertainment of his average weekly earnings In continuous employments if immediately prior to the accident the rate of wages was fixed by the day or hour or by the output of the employe his weekly wages shall be taken to be [five and one-half] four times his average earnings at such rate for a working day and using as a basis of calculation his earnings during so much of the preceding six months as he worked for the same employer Provided however That if the employe regularly and habitually worked more than [five and one-half] four days per week the weekly wage shall be found by multiplying his average earnings for working day by five five and one-half six six and one-half or seven according to the customary number of working days constituting an ordinary week in his occupation or trade Where the employe is working under concurrent contracts with two or more employers his wages from all employers shall be considered as if earned from the employer liable for compensation

In cases where the employe has been in the employ of the employer less than one full week and by reason of the shortness of time during which the employe has been in the employment of the employer or the nature or terms of the employment it is impracticable to ascertain the average weekly wages as hereinbefore provided the average weekly amount which during the six months previous to the injury has been earned by other persons employed by the same employer under similar contracts of hiring or if there are no persons so employed by other persons employed by other employers under similar contracts of hiring under similar conditions shall be taken as the basis for the ascertainment of the weekly wages of such employe

Section 310 Compensation under this article to alien dependent widows and children not residents of the United States shall be two-thirds of the amount provided in each case of residents and the employer may at any time commute all future installments of compensation payable to alien dependents not residents of the United States by paying to such alien dependents the then value thereof calculated in accordance with the provisions of section three hundred and sixteen of this article Alien widowers parents brothers and sisters not residents of the United States shall not be entitled to any compensation

Non-resident alien dependents may be officially represented by the Consular officers of the nation of which such alien or aliens may be citizens or subjects and in such cases the Consular officers shall have the right to receive for distribution to such non-resident alien dependents all compensation awarded hereunder and the receipt of such Consular Officers shall be a full discharge of all sums paid to and received by them

Section 311 Unless the employer shall have actual knowledge of the occurrence of the injury or unless the employe or some one in his behalf or some of the dependents or some one in their behalf shall give notice thereof to the employer within fourteen days after the accident no compensation shall be due until such notice be given or knowledge obtained but if the employe or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law or to his physical or mental inability or to fraud misrepresentation or deceit or to any other reasonable cause or excuse then compensation shall be allowed unless the employer shall show that he did not know and by reasonable diligence could not have learned of the accident and that he was prejudiced by the delay in which case he shall be relieved to the extent of such prejudice and unless such knowledge be obtained or notice given within ninety days after the occurrence of the injury no compensation shall be allowed

Section 312 The notice referred to in section three hundred and eleven hereof shall be substantially in the following form

To (name of emplyoer)

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured) who was in your employment at (place) while engaged as (kind of employment) on or about the ( ) day of ( ) Anno Domini ( ) and that compensation will be claimed therefor

Date Signed ( )

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe by name received an injury the character of which is described in ordinary language in the course of his employment on or about a time specified and at or near a place specified

Section 313 The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred or by sending them through the registered mail to the employer at his or its last known residence or place of business or if the employer be a corporation either foreign or domestic then upon the president vice-president secretary or treasurer thereof Knowledge of the occurrence of the injury on the part of any of said agents shall be the knowledge of the employer

Section 314 At any time after an injury the employe if so requested by his employer must submit himself for examination at some reasonable time and place to a physician or physicians legally authorized to practice under the laws of such place who shall be selected and paid by the employer If the employe shall refuse upon the request of the employer to sumbit to the examination by the physician or physicians selected by the employer the Board may upon petition of the employer order the employe to submit to an examination at a time and place set by it and by the physician or physicians selected and paid by the employer or by a physician or physicians designated by it and paid by the employer and if the employe shall without reasonable cause or excuse disobey or disregard such order he shall be deprived of his right to compensation under this article The Board may at any time after such first examination upon petition of the employer order the employe to submit himself to such further examinations as it shall deem reasonable and necessary at such times and places and by such physicians as it may designate and in such case the employer shall pay the fees and expenses of the examining physician or physicians and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination The refusal or neglect without reasonable cause or excuse of the employe to submit to such examination ordered by the Board either before or after an agreement or award shall deprive him of the right to compensation under this article during the continuance of such refusal or neglect and the period of such

neglect or refusal shall be deducted from the period during which compensation would otherwise be payable

The employe shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any examination requested by his employer or ordered by the Board

Section 315 In cases of personal injury all claims for compensation shall be forever barred unless within [one year] two years after the accident the parties shall have agreed upon the compensation payable under this article or unless within [one year] two years after the accident one of the parties shall have filed a petition as provided in article four hereof In cases of death all claims for compensation shall be forever barred unless within one year after the death the parties shall have agreed upon the compensation under this article or unless within one year after the death one of the parties shall have filed a petition as provided in article four hereof [Where however payments of compensation have been made in any case said limitations shall not take effect until the expiration of one year from the time of the making of the last payment]

Section 316 The compensation contemplated by this article may at any time be commuted by the Board at its then value when discounted at five per centum interest with annual rests disregarding the probability of the beneficiary's death upon application of either party with due notice to the other if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe and that it will avoid undue expense or undue hardship to either party or that such employe or dependent has removed or is about to remove from the United States or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets Except as provided in section three hundred and ten hereof and in this section no commutation of compensation shall be made

Section 317 At any time after the approval of an agreement or after the entry of the award a sum equal to all future instalments of compensation may (where death or the nature of the injury renders the amount of future payments certain) with the approval of the board be paid by the employer to any savings bank trust company or life insurance company in good standing and authorized to do business in this State and such sum together with all interests thereon shall thereafter be held in trust for the employe or the dependents of the employe who shall have no further recourse against the employer The payment of such sum by the employer evidenced by the receipt of the trustee noted upon the prothonotary's docket shall operate as a satisfaction of said award as to the employer Payments from said fund shall be made by the trustee in the same amounts and at the same periods as are herein required of the employer until said fund and interest shall be exhausted In the appointment of the trustee preference shall be given in the discretion of the board to the choice of the employe or the dependents of the deceased employe Should however there remain any unexpended balance of any fund after the payment of all sums due under this act such balance shall be repaid to the employer who made the original payment or to his legal representatives

Section 318 The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer liable for such compensation as is now or may hereafter be allowed by law for a claim for unpaid wages for labor Provided however That no claim for compensation shall have priority over any judgment mortgage or conveyance of land recorded prior to the filing of the petition award or agreement as to compensation in the office of the prothonotary of the county in which the land is situated Claims for payments due under this article of this act shall not be assignable and (except as provided in section five hundred and one of article five hereof) shall be exempt from all claims of creditors and from levy execution or attachment which exemption may not be waived

Section 319 Where a third person is liable to the employe or the dependents for the injury or death the employer shall be subrogated to the right of the employe or the dependents against such third person but only to the extent of the compensation payable under this article by the employer Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe or to the dependents and shall be treated as an advance payment by the employer on account of any future instalments of compensation

Section 320 (a) If the the employe at the time of the accident is a minor under the age of eighteen years employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age compensation either in the case of injury or death of such employe shall be double the amount that would be payable to such minor if legally employed The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation"

(b) The employer and not the insurance carrier shall be liable for the additional compensation Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void

(c) Where death or the nature of the injury renders the amount of future payments certain the total amount of the additional compensation subject to discount as in the case of commutation shall be immediately due and payable It shall be deposited subject to the approval of the board in any savings bank trust company or life insurance company in good standing and authorized to do business in this state

Where the amount of the future payments of compensation is uncertain the board shall upon the approval of the agreement or the entry of an award determine as nearly as may be the total amount of payments to be made and the additional compensation so calculated shall immediately upon such determination become due and payable by the employer The amount may be redetermined by the board and any increase shall then become due and payable and any excess which shall be shown to have been paid shall be returned to the person paying the same Upon determination of the amount due it shall be deposited as above provided payments of compensation out of deposits shall be made to the employe or dependents as payments of other compensation are made Provided however That the board may in its discretion and upon inquiry as in cases of commutation accelerate such payments

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the Bureau from the necessity of carrying insurance

(e) Possession of an employment certificate duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued

(f) The possession of an age certificate duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides shall be conclusive evidence to the employer of the minor's age as certified therein

(g) If neither party has elected not to be bound by the provisions of article three of [the] this act [to which this act is an amendment] in the manner prescribed by section three hundred and two [of said act] they shall be held to have agreed to be bound by the provisions of this [act] section and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described

Section 321 At any time after a death alleged to be due to an injury the employer or any claimant for compensation shall have the right upon giving the employer or the claimant or claimants as the case may be at least three hours notice of his intention so to do to have an autopsy performed by a physician or physicians legally authorized to practice under the laws of the place where the autopsy is performed who shall be selected and paid by the party demanding the autopsy If any claimant shall refuse to permit any such autopsy to be performed he shall be deprived of his right to compensation under this article Either party shall be entitled to have a physician or physicians of his own selection to be paid by him participate in any autopsy demanded by the other party

ARTICLE IV

PROCEDURE

Section 401 The term 'Referee" when used in this article shall mean Workmen's Compensation Referee

The term "Fund" when used in this article shall mean the State Workmen's Insurance Fund of this Commonwealth

The term "Employer" when used in this article shall mean the employer as defined in article one of this act or his duly authorized agent or his insurer if such insurer has assumed the employer's liability or the fund if the employer be insured therein

Section 402 All proceedings before the board or any referee and all appeals to the board shall be instituted by petition addressed to the board All petitions shall be in writing and in the form prescribed by the board

Section 402 All petitions all copies of agreements for compensation and all other papers requiring action by the board shall be mailed or delivered to the bureau at its principal office

Section 404 The bureau shall immediately upon their receipt properly file and docket all petitions agreements for compensation findings of fact by the board or any referee awards or disallowances of compensation or modification thereof and all other reports or papers filed with it under the provisions of the act or the rules and regulations of the board

Section 405 Immediately upon receiving from the board or any referee any approval or disapproval of any agreement for or any award or disallowance of compensation or any modification thereof or any other decision the bureau shall serve a copy thereof on all parties in interest

Section 406 All notices and copies to which any party shall be entitled under the provisions of this article shall be served by mail or in such other manner as the board shall direct For the purposes of this article any notice or copy shall be deemed served on the date when mailed properly stamped and addressed and shall be presumed to have reached the party to be served but any party may show by competent evidence that any notice or copy was not received or that there was an unusual or unreasonable delay in its transmission through the mails In any such case proper allowance shall be made for the party's failure within the prescribed time to assert any right given him by this act

The bureau the secretary and every referee shall keep a careful record of the date of mailing every notice and copy required by this act to be served on the parties in interest

Section 407 On or after the tenth day after any accident shall have occurred the employer and employe or his dependents may agree upon the compensation payable to the employe or his dependents under this act but any agreement made prior to the tenth day after the accident shall have occurred or permitting a commutation of payments contrary to the provisions of this act or varying the amount to be paid or the period during which compensation shall be payable as provided in this act shall be wholly null and void It shall be unlawful for any employer to accept a receipt showing the payment of compensation when in fact no such payment has been made

All agreements made in accordance with the provisions of this section shall be in writing and signed by all parties in interest

All agreements for compensation and all supplemental agreements for the modification suspension reinstatement or termination thereof and all receipts executed by any injured employe of whatever age or by any dependent to whom compnsation is payable under section three hundred and seven and who has attained the age of sixteen years shall be valid and binding unless modified or set aside as hereinafter provided

Section 408 All agreements for compensation may be modified suspended reinstated or terminated at any time by a supplemental agreement approved by the board if the incapacity of an injured employe has increased decreased recurred or temporarily or finally terminated or if the status of any dependent has changed

Section 409 Whenever an agreement or supplemental agreement shall be executed between an employer and employe or his dependents as provided by this act such agreement shall be executed in triplicate Two copies thereof signed by all parties in interest shall be mailed or delivered to the board It shall be the duty of the board to examine the agreement to determine whether it conforms to the provisions of section four hundred and seven to notify the parties thereto of its validity or invalidity under the aforesaid section within thirty days after the copies of the agreement have been mailed or delivered to it and if the agreement be approved to send to the employe together with such notification of its approval a copy of the agreement Provided however That any payment made in accordance with any agreement prior to the receipt of notice of invalidity shall discharge pro tanto the liability under article three of this act of the employer making such payments

Section 410 If after any accident the employer and the employe or his dependent concerned in any accident shall fail to agree upon the facts thereof and the compensation due under this act the employe or his dependents may present a claim for compensation to the board

Whenever any claim for compensation is presented to the board other than claims of non-resident alien dependents and is finally adjudicated in favor of the claimant the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum and such interest shall be payable to the same persons as the compensation is payable

In case any claimant shall die before the final adjudication of his claim the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation or if there be no dependents then to the estate of the decedent

Section 411 Whenever the employer and the employe or his dependent shall on or after the tenth day after any accident agree on the facts on which a claim for compensation depends but shall fail to agree on the compensation payable thereunder they may petition the board to determine the compensation payable Such petition shall contain the agreed facts and shall be signed by all parties in interest The board shall fix a time and place for hearing the petition and shall notify all parties in interest As soon as may be after such hearing the board shall award or disallow compensation in accordance with the provisions of this act

Section 412 If any party shall desire the commutation of future instalments of compensation he shall present a petition therefor to the board

Section 413 The board or a referee designated by the board may at any time within one year after an agreement has been entered into review and modify or set aside an original or supplemental agreement upon petition filed with the board or in the course of the proceedings under any petition pending before such board or referee if it be proved that such agreement was procured by the fraud coercion or other improper conduct of a party or was founded upon a mistake of law or of fact

The board or referee designated by the board may at any time modify reinstate suspend or terminate an original or supplemental agreement or an award upon petition filed by either party with such board upon proof that the disability of an injured employe has increased decreased recurred or has temporarily or finally ceased or that the status of any dependent has changed Such modification reinstatement suspension or termination shall be made as of the date upon which [it is shown that] the disability of the injured employe [has] actually increased decreased recurred or has temporarily or finally ceased or upon which [it is shown that] the status of any dependent [has] changed Provided That no agreement or award shall be reviewed modified or reinstated except upon a petition filed with the board within two years from the date of the last payment of compensation or tender thereof

The board or referee to whom any such petition has been assigned may subpoena witnesses hear evidence make findings of fact and award or disallow compensation in the same manner and with the same effect and subject to the same right of appeal as if such petition were an original claim-petition

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall

operate as a supersedeas and shall suspend the payment of compensation fixed in the agreement or by the award [in whole or to such extent as the facts alleged in the petition would if proved require] as of the date upon which the petition alleges that the disability of the injured employe actually increased decreased recurred or temporarily or finally ceased or upon which the status of any dependent has changed

Section 414 Whenever a claim-petition or other petition is presented to the board the board shall by general rules or special order either direct it to be heard by the board or assign it to a referee for hearing Provided however That petitions presented under section four hundred and eleven and four hundred and twelve shall be heard by the board

The secretary shall serve upon each adverse party a copy of the petition together with a notice that such petition will be heard by the board or the referee to whom it has been assigned (giving his name and address) as the case may be and if the petition shall have been assigned to a referee shall mail the original petition to such referee together with copies of the notices served upon the adverse parties

Section 415 At any time before an award or disallowance of compensation or order has been made by a referee to whom a petition has been assigned the board may order such petition heard before it or may reassign it to any other referee Unless the board shall otherwise order the testimony taken before the original referee shall be considered as though taken before the board or substituted referee

Section 416 Within ten days after a copy of any petition has been served upon any adverse party he may file with the secretary if the petition has been directed to be heard by the board or with the referee if the petition has been assigned to a referee an answer in the form prescribed by the board

Every fact alleged in a petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him But the failure of any adverse party or of all of them to deny a fact so alleged shall not preclude the board or a referee before whom the petition is heard from requiring of its or his own motion proof of such fact

Section 417 As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof the board shall fix a time and place for hearing the petition If a petition be assigned to a referee he shall twelve days after notice that such petition has been assigned to him has been served upon the adverse parties fix a time and a place for hearing the petition Such hearing shall not be less than five nor more than fourteen days after the mailing of notice thereof by the referee The secretary if the petition has been directed to be heard by the board or the referee to whom the petition has been assigned shall serve upon all parties in interest a notice of the time and place of hearing and shall serve upon the petitioner a copy of any answer of any adverse party

Section 418 The board if a petition is directed to be heard by it or the referee to whom a petition is assigned for hearing may subpoena witnesses order the production of books and other writings and hear evidence and shall make in writing and as soon as may be after the conclusion of the hearing such findings of fact conclusions of law and awared or disallowance of compensation or other order as the petition and answers and the evidence produced befor eit or him and the provisions of this act shall in its or his judgment require The findings of fact made by the board in any petition heard by it or upon a hearing de novo shall be final except as hereinafter provided and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final unless the board shall under the provisions of section four hundred and twenty-five of this article grant a hearing de novo or a rehearing

Section 419 The board may refer any question of fact arising under any petition including a petition for commutation heard by it to a referee to hear evidence and report to the board the testimony taken before him or such testimony and findings of fact thereon as the board may order The board may refer any question of fact arising out of any petition assigned to a referee to any other referee to hear evidence and report the testimony so taken thereon to the original referee

Section 420 The board or a referee if it or he deem it necessary may of its or his own motion either before during or after any hearing make an investigation of the fact set forth in the petition or answer The board or referee with the consent of the board may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon or he may employ the services of such other experts as shall appear necessary to ascertain the facts The report of any physician surgeon or expert appointed by the board or by a referee shall be filed with the board or referee as the case may be and shall be a part of the record and open to inspection as such

The board shall fix the compensation of such [physicians surgeons and experts which when so fixed shall be paid out of the sums appropriated to the Department of Labor and Industry for the maintenance of the Department and shall be taxed as part of the costs of the proceedings to be repaid to such department by either party or both as the board may direct If any sum so taxed shall not be paid by the party directed to repay the same may be collected as costs are now collectible] physicians surgeons or other experts which shall be paid by the employer

Section 421 All hearings before the board or before a referee shall be public

Section 422 Neither the board nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation but all findings of fact shall be based only upon competent evidence and in accordance with the weight of such evidence

If any party or witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the board or a referee his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the board may by special order or general rule prescribe The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein but shall not be conclusive proof of such matters

Section 423 Any party in interest may within twenty days after notice of a referee's award or disallowance of compensation shall have been served upon him take an appeal to the board on the ground (1) That the award or disallowance of compensation is not in conformity with the terms of this act or that the referee committeed any other error of law (2) That the findings of fact and award or disallowance of compensation was unwarranted by the evidence or was procured by fraud coercion or other improper conduct of any party in interest [The board may upon cause shown extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading]

In any such appeal the board may disregard the findings of fact of the referee and may examine the testimony taken before such referee and if it deem proper may hear other evidence and may substitute for the findings of the referee such findings of fact as the evidence taken before the referee and the board as hereinbefore provided may in the judgment of the board require and may make such disallowance or award of compensation or other order as the facts so found by it may require

Section 424 Whenever an appeal shall be based upon an alleged error of law it shall be the duty of the board to grant a hearing thereon The board shall fix a time and place for such hearing and shall serve notice thereof on all parties in interest

As soon as may be after any such hearing the board shall either sustain or reverse the referee's award or disallowance of compensation or make such modification thereof as it shall deem proper

Section 425 Whenever an appeal shall be taken on the ground that the referee's award or disallowance of compensation was unwarranted by the evidence or because of fraud coercion or other improper conduct by any party in interest the board may in its discretion grant a hearing

de novo before the board or assign the petition for rehearing to any referee designated by it or sustain the referee's award or disallowance of compensation If the board shall grant a hearing de novo it shall fix a time and place for same and shall notify all parties in interest

As soon as may be after any hearing de novo by the board it shall in writing state its findings of fact and award or disallow compensation in accordance with the provisions of this act

[Section 426 The board upon petition of any party and upon cause shown at any time before the court of common pleas of any county of this Commonwealth to whom an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling or has sustained or reversed any action of a referee but such rehearing shall not be granted more than one year after the board has made such award disallowance or other order or ruling or has sustained or reversed any action of the referee If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in the court of common pleas of any county of this Commonwealth under the provisions of section four hundred and twenty-seven of this article the board shall file in such court a certified copy of its order granting such rehearing and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board Provided however That nothing contained in] [this section shall limit or restrict the right of the board or a referee designated by the board to review modify set aside reinstate suspend or terminate an original [or supplemental agreement or an award in accordance with the provisions of section four hundred thirteen of this article]

Section [427] 426 Any party may appeal from any action of the board on matters of law and the question as to whether the findings of fact are in accordance with the weight of the competent evidence to the court of common pleas of the county in which the accident occurred or of the county in which the adverse party resides or has a permanent place of business or by agreement of the parties to the court of common pleas of any other county of this Commonwealth Such appeal must be brought within twenty days after notice of the action of the board has been served upon such party unless any court of common pleas to which an appeal lies shall upon cause shown extend the time herein provided for taking the appeal The party taking the appeal shall at the time of taking the appeal serve upon the adverse party a written notice thereof setting forth the date of the appeal and the court in which the same is filed and shall file either with his notice of appeal or within thirty days thereafter such exceptions to the action of the board as he may desire to take and shall specify the findings of fact if any of the board or of the referee sustained by the board which he alleges to be unsupported by competent evidence or not in accordance with the weight of such evidence

Upon filing of the notice of an appeal the prothonotary of the court of common pleas to which the appeal has been taken shall issue a writ of certiorari directed to the Workmen's Compensation Board commanding it within ten days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken The writ so issued shall be mailed by the prothonotary to the bureau at Harrisburg together with a copy of the exceptions The board shall within ten days after such service certify to such court its entire record in the matter in which the appeal has been taken including the notes of testimony

Any court before whom an appeal is pending from any action of the board may remit the record to the board for more specified findings of fact if the findings of the board or referee are not in its opinion sufficient to enable it to decide the question of law raised by the appeal

If the court of common pleas of any county of this Commonwealth shall affirm an award or order of the board or of a referee sustained by the board fixing the compensation payable under this act the court shall enter judgment for the total amount stated by the award or order to be payable whether then due and accrued or payable in future instalments If such court shall sustain the appellant's exceptions [to a finding or findings of fact] and reverse the action of the board [founded thereon] the court shall enter judgment accordingly or remit the record to the board for further hearing and determination in which the procedure shall be the same as that hereinbefore provided in this article in the case of a petition presented to the board except that the board may order that any part of the testimony taken in the original proceedings may be considered as though taken in such further hearing

The prothonotary of any court of common pleas to which an appeal has been taken from the board shall send to the board a certificate of the judgment of the court as soon as rendered with a copy of any opinion which may be filed in the case and within five days shall give notice of such judgment and the date thereof by registered mail to each attorney-at-law appearing in the case at the address given by the attorney in the pleadings and if no attorney-at-law has appeared by registered mail to the party or parties not represented by counsel At the end of the period hereinafter allowed for an appeal from the judgment of the court the record of the board shall be remitted to it by the prothonotary unless an appeal shall have been taken If such appeal shall be taken the record shall be remitted to the board by the prothonotary on its return from the appellate court

Any party may appeal on matters of law to the Superior Court from the judgment of the court of common pleas within thirty days after entry of said judgment irrespective of the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Superior Court and the record so certified shall contain all that was before the court of common pleas Any appeal from the action of the board to a court of common pleas and from it to the Superior Court shall take precedence over all other civil actions The judgment of the Superior Court shall be final unless an appeal therefrom is allowed as in the case of other judgments of that tribunal

Section [428] 427 At any time after the approval of a compensation agreement or after an award or order has been made by the board or referee the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county and the prothonotary shall enter the total amount of compensation stated in the agreement award or order to be payable to the employe or his dependents whether then due and accrued or payable in future instalments as a judgment against the employer or other party liable under such agreement or award Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith

Wherever after an accident any employe or his dependents shall have entered into a compensation agreement with his employer or shall file a claim petition with the board he may file a certified copy thereof with the prothonotary of the court of common pleas of any county The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer If the agreement b approved by the board or compensation awarded as claimed in the petition the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien as of the date when the agreement or petition was filed with the prothonotary Pending the approval of the agreement or the award of compensation no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

If the agreement be disapproved or after hearing compensation shall be disallowed the employer may file with the prothonotary of any county in which the petition

or agreement is on record as a judgment a certified copy of the disapproval of the agreement or disallowance of compensation and it shall be the duty of such prothonotary to strike off the judgment

If the amount of compensation claimed be disallowed but another amount awarded the compensation judgment shall be a lien to the extent of the award as of the date of the filing the petition with the prothonotary with the same effect as to other liens and the same disability to issue execution thereon as if the compensation claimed had been allowed In such cases the prothonotary shall make such modification of the record as shall be appropriate.

If the compensation payable under any gareement or award upon which judgment has been entered under the provisions of this section shall be modified suspended reinstated or terminated by a supplemental agreement executed under the provisions of section four hundred and eight or by an award or order made under the provisions of section four hundred and thirteen any party to such judgment at any time after such agreement has been approved by the board or after the expiration of the time allowed for an appeal from the award or order may file with the prothonotary of the court of common pleas of any county in which the judgment is on record a certified copy of such supplemental agreement award or order and it shall thereupon be the duty of the prothonotary to modify suspend reinstate or satisfy such judgment in accordance with the terms of such supplemental agreement award or order

Execution may issue by first filing with the prothonotary an affidavit that there has been a default in payments of compensation due on any judgment for compensation entered prior to the approval of the compensation agreement or an award on petition as soon as such agreement shall have been approved or such award made as evidenced by the approval of the board of the award or by a certified copy thereof

Execution shall in all cases be for the amount of compensation and interest thereon due and payable up to the date of the issuance of said execution with costs and further execution may issue from time to time as further compensation shall become due and payable until full amount of the judgment with costs shall have actually been paid

Section [429] 428 If any party against whom a compensation agreement award or other order fixing the compensation payable under this act has been filed of record in any county of this Commonwealth in accordance with the provisions of section four hundred and [twenty-eight] twenty-seven of this article or against whom judgment has been entered by the court of common pleas of any county on any award or order of the board or a referee shall at any time present to the board receipts or copies thereof certified by any referee showing the payment of compensation as required by the agreement or award in full to the date of presentation to the referee the board shall issue a certificate to such party in the form prescribed stating the extent to which the judgment on the agreement or award has been reduced Upon the presentation of such certificate to the prothonotary of the court of common pleas of any county in which such agreement or award has been filed of record as a judgment or in which judgment on an award has been entered by the court of common pleas it shall be the prothonotary's duty to mark such judgment satisfied to the extent of the payments so certified and upon the presentation to such prothonotary of a certificate issued by the board under the provisions of section three hundred and seventeen of this act it shall be the duty of the prothonotary to mark such judgment fully satisfied

Section [430] 429 The lien of any judgment entered upon any award shall not be divested by any appeal If however the party appealing from the award shall file with the board a bond in such amount and in such form as the rules and regulations of the board shall direct the appeal shall pending its decision excuse the payment of so much of the compensation as is contested therein but if the final decision on appeal shall sustain the award it shall be the duty of the employer by whom such award is payable to make payments of compensation as from the date of the original award If on appeal the award is sustained as to a part it shall be the duty of the employer by whom such part is payable to make payments as from the date of the original award In case the award is annulled on appeal it shall be the duty of the prothonotary of any county in which such award has been entered as a judgment to mark it satisfied

Section [431] 430 The cost of the prothonotary for entering the amount of compensation as provided in this act or making a modification of the record or marking the judgment satisfied shall be allowed taxed and collected as upon a confession of judgment on a judgment note

Section [432] 431 It shall be the duty of the prothonotary of each court of common pleas and of the Supreme and Superior Court of the Commonwealth to make a monthly report to the board of the disposition of all appeals taken to such court under the provisions of this article

Section [433] 432 A document on file in the bureau or with the board or any referee or part of the record of any proceedings taken under Articles III and IV of this act shall be proved by a copy thereof certified by the chairman of the board and attested by the secretary under the seal of the board

Section [434] 433 A final receipt given by an employe or dependent entitled to compensation under a compensation agreement or award reciting that the disability or dependency has terminated shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award Provided however That the board or a referee designated by the board may set aside a final receipt upon petition filed with the board within two years from the date of the signing of such receipt if it be proved that such receipt was procured by fraud coercion or other improper conduct of a party or is founded upon mistake of law or of fact

ARTICLE V

GENERAL PROVISIONS

Section 501 No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages or be valid or binding in any other respect unless the same be approved in writing by the judge presiding at the trial or in case of settlement without trial by a judge of the common pleas court of the county in which the accident occurred

No claim or agreement for legal services or disbursements in support of any claim for compensation or in preparing any agreement for compensation under article three of this act shall be an enforceable lien against the amount to be paid as compensation or be valid or binding in any other respect unless the same be approved by the board Any such claim or agreement shall be filed with the bureau which shall as soon as may be notify the person by whom the same was filed of the board's approval or disapproval thereof as the case may be

After the approval as herein required if the employer be notified in writing of such claim or agreement for legal services and disbursements the same shall be a lien against any amount thereafter to be paid as damages or compensation Provided however That where the employe's compensation is payable by the employer in periodical instalments the board shall fix at the time of approval the proportion of each instalment to be paid on account of legal services and disbursements

Section 502 If any provisions of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of this act except that articles two and three are hereby declared to be inseparable and as one legislative thought and if either article be declared by such court void or inoperative in an essential part so that the whole of such article must fall the other article shall fall with it and not stand alone

Section 503 Nothing in this act shall affect or impair any right of action which shall have acrued before this act shall take effect

Section 504 The act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred fourteen) entitled "A supplement

to an act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' providing for the payment of compensation to volunteer firemen or their dependents" be and the same is hereby repealed

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

[Section 505 This act shall not apply in the case of an accident occurring prior to the first day of January next succeeding its passage and approval]

Section 2 This act shall become effective January first one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 89 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 89, entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

AMENDMENT TO HOUSE BILL NO. 1286 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives as follows:

House Bill No. 1286, entitled:

An Act to amend sections ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

AMENDMENT TO HOUSE BILL NO. 2053 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives as follows:

House Bill No. 2053, entitled:

An Act to amend route seven hundred and sixty of the act approved the fiftfh day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

AMENDMENT TO HOUSE BILL NO. 2205 RECALLED FROM THE GOVERNOR.

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2205, entitled

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended providing for meetings of teachers.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

SENATE BILL NO. 1256 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1256 entitled:

An Act to amend section nine hundred and seven of article nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers—fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing petitioners to petition the Attorney General to appoint an attorney to supersede the district attorney in certain cases

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

ADJOURNMENT

Mr. HARRIS. Mr. President, I move that the Senate do now adjourn.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6.04 P. M. until three o'clock Monday afternoon, June 17, 1935.

HOUSE OF REPRESENTATIVES

THURSDAY, June 13, 1935

The House met at 11.00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Rev. L. R. Miller, Pastor of the Centerport Lutheran Parish, Bernville, offered the following prayer:

Let us pray. Almighty and Everlasting God, God in Whom we live and move and have our being, we believe that it is a pleasure unto Thee if we pray unto Thee from time to time. So we have come together at this moment in order to pray unto Thee, to thank Thee for all of the past blessings. We thank Thee, Father, for this great land of ours, for this great Commonwealth in which we live. We thank Thee, Father, for these fine institutions, especially this institution in which we are now gathered. Heavenly Father, we thank Thee for these men of our Commonwealth who are assembled here at this moment and who are meditating upon the problems of state. We hope that at this moment, Father, that they may do it with a simplicity of purpose for the purpose of bringing unto us laws and regulations that will make us greater men and greater women for one another and in the eyes of God.

Do Thou, therefore, bless them. Do Thou give unto them the right kind of wisdom and knowledge so that they may do bigger things for the benefit of everyone of us.

These and many other things that we shall ask of Thee in prayer, do Thou give these things unto us. We ask it in the name of the Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WELLIVER, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 1972

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class

And has appointed Messrs. Ealy, Staudenmeier and Law a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

SENATE MESSAGE

SENATE RECEDES FROM AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate recedes from its amendments non-concurred in by the House to House Bill numbered and entitled as follows, viz:

HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1530) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board.

STATEMENT BY MR. HABBYSHAW

Mr. HABBYSHAW asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on Tuesday, May 21st, 1935, I offered amendments to House Bill No. 1418, the Gasoline Tax Bill, to exempt farmers from any tax on gasoline used for agricultural and domestic purposes on farms.

My amendments were voted down by the majority party of this House.

After the vote was taken I had some of the rural members of this House from both parties come to me and explain their reason for opposition on these amendments. In doing so I was informed that the Rice-Zeisenheim Bill which had passed the Senate, and is now in Committee on Ways and Means in the House, would take care of my amendments.

I am making this statement to remind the rural members that the time is very short and ask their cooperation in getting this bill out of the Committee on Ways and Means and bring it before this House for action.

STATEMENT BY MR. TROUT

Mr. TROUT asked and obtained unanimous consent to make the following statement:

Mr. Speaker, again proposals have been made to raid the motor license and liquid fuels tax funds and to defer repayments of loans already made from these funds. These are proposals to take $38,000,000, which the motorists of this state paid in good faith for improved highways, and use it for purposes for which he already has paid taxes; proposals which break the pledge given when these taxes were accepted and which break the pledge given when the loans were made.

I protest against this continued disregard of the motorists' rights; against the injustice to Pennsylvania workingmen, who would be given employment if this money were spent where it rightfully belongs—on the highways. I protest against proposals which are not based upon a full knowledge of conditions.

A few weeks ago I pointed out to you that the largest part of the motorists' taxes go for road upkeep, for snow

removal and for other services. There remains only a comparatively small amount for construction and most of that already has been borrowed. I told you that the Federal Government would penalize any state up to one-third of its allotment, if highway funds were diverted; that Pennsylvania could lose up to $20,000,000 of Federal money. I stated that diversion would be throwing away $20,000,000 that could be used to give worthwhile work to the unemployed.

But now it is proposed to hold back a total of $38,966,000 from needed highway construction, by authorizing further diversion of $23,500,000 of highway funds and by deferring until 1937 the pledged repayment of $15,466,000 already borrowed from the motor license and liquid fuels tax funds. The proposals to hold back these amounts of highway funds have contemplated that Federal allotments of road moneys will take care of the needs of Pennsylvania's highway system for the next two years. The facts, as they have emerged during the last few days, show clearly that Federal funds that have been allotted will permit only the most meager sort of work on the highways. Limitations set down by the Federal Government on expenditures of these funds will permit no more than simple grading and drainage of highways. Do you not have practical proof there that state highway funds must be kept intact for the purposes for which they were intended; for elimination of sharp curves, narrow bridges and other death traps; for widening, repaving and reconstruction of narrow, worn-out and obsolete main highways; for widening and resurfacing of city and town streets; for necessary improvement of our dirt roads; and, as well, should we not keep these funds intact for the added purpose of matching the funds the Federal government will give us?

In a conference I had this week with H. H. Temple, Chief Engineer of the Department of Highways, Mr. Temple said:

"We have been advised by the Bureau of Public Roads at Washington, D. C. that Motor Funds diverted to other uses than the construction and maintenance of highways may, under the provisions of the Hayden-Cartwright act, be interpreted to mean a diversion, and such action may result in a loss to the state of Pennsylvania of one-third the Federal-aid already allotted to it amounting to $10,508,000; in addition to which it will mean the loss of one-third of the anticipated additional allocation of $21,000,000 or $7,000,000, making the total possible loss to the State $17,508,000."

It all comes down to the question of whether or not we shall perform the double duty of giving the motorists what they pay for in good roads and of giving the unemployed what they deserve in worthwhile jobs. I know what good roads have meant to Lancaster county. I know what the employment given by road building has meant to Lancaster county. I ask you to consider the same factors in relation to your own districts.

I point out to you that we have been here in session for six months. We have legislated for birds, for fish, for eels, for poultry. Isn't the safety of our traveling public equally as important? Last year more than 2,000 persons were killed on Pennsylvania highways. Isn't it time that we consider using our highway funds for improvement of the highways, which will in large measure remove the hazards causing these fatalities. Instead we are hearing repeated proposals to turn around and kill a program of highway progress that was started in the days of Sproul and Sadler and Fisher; a program that actually looked to the safety, economy and convenience of those who have to travel our roads, either for business or pleasure.

May I ask my colleagues in this House if we shall take a picture of abandoned highways back home with us? Is that the picture we are to show those who place their confidence in us; their confidence that we shall do our utmost to insure their best welfare? Shall we return home and tell our constituents that we have placed upon the motorist the burden of taxation that belongs to the whole people? Shall we tell them that relief, unemployment, and the entire financial problem of Pennsylvania is the motorists' problem alone? If we do, are we not inviting nearly 2,000,000 motorists to send us who vote for diversion into political oblivion? The motorists have been long-suffering, but, gentlemen, I warn you the break will come, if we violate the sacred trust we have with them.

Or shall we return to those who sent us here and tell them that we have done a real, genuine job of work relief; that at the same time we have both assured the motoring public of a square deal and initiated a program of permanent highway improvement in Pennsylvania, without which no business, no industry, no home, no individual can actually prosper?

There have been enough and more than enough of these attempts to wreck our highway system and to utterly disregard the rights of the motorists. Our honor has been pledged for the return of already borrowed highway funds and to protect the rights of the motorists. Unless we meet these obligations our highways will fall into disrepair, more fatal accidents will be recorded and we shall stand discredited before all.

I call upon all those who have sincere interest in highways and who have respect for a promise given, to weigh well this problem. I ask with the greatest sincerity of purpose that this House defeat for once and for all any proposal that will take highway funds from the highways, bread from the mouths of men, women and children and the real apportunity for a return to prosperity from the Commonwealth of Pennsylvania.

LEAVE OF ABSENCE

Mr. Cliff Patterson asked and obtained leave of absence for Mr. FURMAN.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk as follows:

FRATERNAL INSURANCE

A communication from Branch No. 330 of Penn'a. Slovak R & Gr. Cath. Union, Chicago, Ill., favoring passage of Senate Bill No. 1150.

Referred to the Committee on Insurance.

SCHOOL DIRECTORS

A communication from the school directors of Wilmington Township, Lawrence County, favoring passage of legislation to compensate township school directors.

Referred to the Committee on Education.

HOUSE BILL NO. 1962 TAKEN FROM TABLE

Mr. SCHWARTZ. Mr. Speaker, I move that House Bill No. 1962, Printer's No. 1257, which was recalled from the

Governor and laid upon the table, be taken from the table.

The motion was agreed to.

RESOLUTION

RETURNED HOUSE BILL NO. 1962 TO THE GOVERNOR

Mr. SCHWARTZ offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 13, 1935.

Resolved (if the Senate concur), That House Bill No 1962, Printer's No. 1257, entitled "An act to amend Sections 1 and 2 as amended, Sections 70 and 71, to repeal Section 6 9of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 70.1, 70.2, 70.3 and 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred eighty, entitled 'An act providing for the examination, licensure and registration of persons, firms or coporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations and requirements for the construction of plumbing, house drainage and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof,' further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto." which was recalled from the Governor June 11th for the purpose of amendment, be returned to the Governor without amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORT FROM COMMITTEE

Mr. BARBER, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1882, entitled:

An Act relating to rag dolls, teddy bears, and toys and playthings of a similar kind; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, consigning and having in possession thereof with intent to sell, lease, deliver or consign the same; providing for the tagging of such toys and playthings, and fixing the fees for such tags and for adhesive stamps; and providing penalties.

BILL ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bill was read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1882, entitled:

An Act relating to rag dolls, teddy bears, and toys and playthings of a similar kind; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, consigning and having in possession thereof with intent to sell, lease, deliver or consign the same; providing for the tagging of such toys and playthings, and fixing the fees for such tags and for adhesive stamps; and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION

SYMPATHY EXTENDED ON DEATH OF HON. L. F. BENCHOFF

Mr. MOOMAW offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, June 13, 1935.

Whereas, Word has been received that Louden F Benchoff, former County Superintendent of Schools in Franklin County, has passed away at his home at Hooversville, and

Whereas, He was a Member of the House of Representatives from Franklin County during 1917-1920, therefore be it

Resolved, That the House of Representatives pause in its deliberations and pay tribute to his memory, and that a message of our deep sympathy be forwarded to the family, by the Chief Clerk of the House.

BILL INTRODUCED

Mr. FITCH asked and obtained unanimous consent to introduce a bill, the title of which was read by the Clerk as follows:

A Joint Resolution creating a commission with power to provide for the temporary licensing of persons qualified to practice the profession of chiropractic; and providing that said commission shall report a draft of legislation to regulate an license the profession of chiropractic.

RESOLUTION NO. 164

Mr. COAKLEY. Mr. Speaker, I desire to call up at this time Resolution No. 164, Printer's No. 1456.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 5th, 1935.

Whereas, The President of the United States shall have the administration of four billion eight hundred million dollars ($4,800,000,000) for the purpose of erecting certain public structures and improvements as a means of alleviating unemployment; and

Whereas, In the City of Easton, Pennsylvania, there are many crowded areas in which the children have no means of playing, except upon the streets and in the alleys; and

Whereas, It is agreed by all that part of the public works program shall include the elimination of slums. It is suggested that as a part of that program the establishment of playgrounds in these various areas be undertaken, therefore be it

Resolved, That the Mayor and Council of the City of Easton, Pennsylvania, petition the President to allocate a portion of the four billion eight hundred million dollars ($4,800,000,000) for the purpose of the establishment of playgrounds in the crowded and congested districts of the City of Easton, Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send a copy of this resolution to the Mayor and Council of the City of Easton, Pennsylvania.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION NO. 141

Mr. HALUSKA. Mr. Speaker, I desire to call up at this time Resolution No. 141, Printer's No. 1248.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 2, 1935.

Whereas The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief and

Whereas Many conscientious citizens refuse to become beneficiaries of direct relief and even though in want are thus denied work to which they are entitled therefore be it

Resolved (if the Senate concur) That the President of the United States and the Federal Emergency Relief Administrator be respectfully memorialized to permit the employment on Federal Emergency Relif Projects of persons who are in need of employment and who are not receiving direct relief and also of persons who are receiving direct relief and who are able to secure part-time employment in industry which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief

Resolved That the Federal Emergency Relief Administrator be requested to constitute in each poliical subdivision of this Commonwealth a committee of five persons to pass upon applications of persons mentioned in the preceding resolution who are in need of work relief

Resolved That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week to hear applications of persons desiring work relief and who come within the terms of this resolution and shall have power to issue to persons who are deemed worthy certificates furnished by the State Emergency Relief Board evidencing the belief that the holder thereof is entitled to employment full time or part time on any work relief project No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief

Resolved That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief or that he may be employed part time in industry

Resolved That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry and is in need of additional income in order to forego direct relief

Resolved That a copy of this resolution be transmitted to the President of the United States the Federal Emergency Relief Administrator and to the State Emergency Relief Board by the Chief Clerk of this House

On the question,

Will the House adopt the resolution?

It was adopted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE.

Mr. RUTH asked and obtained unanimous consent for the Committee on Ways and Means to meet during the session of the House.

BILLS ON FIRST READING

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1629, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control electric power and light plants and appurtenances thereto and to sell electrical energy both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes providing for the election of a board of directors to operate and manage such plants and defining its powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1367, entitled:

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by fixing the compensation of the township treasurer in certain cases.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1368, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances eliminating interest charges in certain cases.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 2956, (Senate Bill No. 718), entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and poor districts thereof and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein of the officers of the consolidated city, including a public administrator, and abolishing certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property officers professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1723, entitled:

An Act to provide for the burial of indigent dea throughout the Commonwealth prescribing the procedur therefor and delimiting the costs thereof imposing certain duties on directors of the poor and on the county commissioners in the several counties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 229, entitled:

An Act to further amend the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the inposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the transfer of the powers and duties incident to the collection of transfer inheritance taxes from registers of wills county treasurers and the Auditor General and his agents to the Department of Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2507, entitled:

An Act establishing creating and constituting an Investment Control and Advisory Board of the Commonwealth defining its powers and duties providing for its organization and equipment and making an appropriation for the operation and expenses of said Board for the two years ending May thirty-one one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2911, (Senate Bill No. 1030), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1672, (Senate Bill No. 537), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1670, (Senate Bill No. 535), as follows:

An Act making appropriations to The Glen Mills Schools situate in Delaware County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eighty-five thousand dollars ($85,000) or so much thereof as may be necessary is hereby specifically appropriated to The Glen Mills Schools situate in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred fifteen thousand four hundred seventy-seven dollars and ninety-four cents ($115,477.94) is hereby specifically appropriated to The Glen Mills Schools situate in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such schools during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such schools by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to The Glen Mills Schools situated in Delaware County Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1513 (Senate Bill No. 466), as follows:

An Act making appropriations to the Johnson Industrial School of Scranton Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assemby met and it is hereby enacted by the authority of the same That the sum of forty-five thousand dollars ($45,000) or so much thereof as may be necessary is hereby specifically appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

Section 2 In addition to the appropriation made by section one of this act the sum of twenty-two thousand five hundred dollars ($22,500) is hereby appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such School during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such School by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Johnson Industrial School of Scranton Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1674 (Senate Bill No. 539), as follows:

An Act making appropriations to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eighty-five thousand dollars ($85,000) or so much thereof as may be necessary is hereby specifically appropriated to Sleighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June Anno Domini one thousand nine hundred and thirty-five for the purpose of maintenance

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thousand six hundred eighty-three dollars and fifty-one cents ($100,683.51) is hereby appropriated to Sleighton Farm School for Girls situated in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to Sleighton Farm School for Girls out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1306 (Senate Bill No. 363), entitled:

An Act making appropriations to the Pennsylvania Museum and School of Industrial Art Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) is hereby specifically appropriated to the Pennsylvania Museum and School of Industrial Art for the two fiscal years beginning June first one thousand nine hundred and thirty-five for maintenance and the purchase of apparatus supplies and equipment

Section 2 In addition to the appropriation made by Section one of this act the sum of thirty-three thousand seven hundred fifty dollars ($33,750) is hereby appropriated to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of and the purchase of apparatus supplies and equipment for the Pennsylvania Museum and School of Industrial Art during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to the Pennsylvania Museum and School of Industrial Art by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Pennsylvania Museum and School of Industrial Art out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1395, (Senate Bill No. 181), as follows:

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance of a school of medicine

Section 2 In addition to the appropriation made by sec-

tion one of this act the sum of thirty-seven thousand one hundred twenty-five dollars ($37,125) is hereby appropriated to the trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such trustees for the maintenance of the school of medicine during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such pupose made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the trusees of he Hahnemann Medical College and Hospital out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1283, (Senate Bill No. 173), as follows:

An Act making appropriations to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty thousand dollars ($60,000) or so much thereof as may be necessary is hereby specifically appropriated to the Downingtown Industrial and Agricultural School of Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

Section 2 In addition to the appropriation made by section one of this act the sum of nineteen thousand nine hundred eighty-five dollars and thirty-one cents ($19,985.31) is hereby appropriated to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of this school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purpose made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficent revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Downingtown Industrial and Agricultural School out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take procedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 557, as follows:

An Act making appropriations to the Board of Trustees of the Philadelphia Museums

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty thousand dollars ($30,000) be and the same is hereby specifically appropriated to the Board of Trustees of the Philadelphia Museums for the distribution of geographical collections and educational material among the public and other free schools of this Commonwealth and for the preparation and installation of exhibits for the two fiscal years beginning June first one thousand nine hundred and thirty-five payment to be made according to law

Section 2 In addition to the appropriation made by section one of this act the sum of one thousand four hundred ninety-one dollars and seventy-eight cents is hereby appropriated to the Board of Trustees of the Philadelphia Museums for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the distribution of geological collections and educational material among the public and other free schools of the Commonwealth and for the preparation and installation of exhibits during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenue in the General Fund

Any law to the contrary notwithstanding amounts payable to the Board of Trustees of the Philadelphia Museums out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 603, as follows:

An Act making appropriations to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia for the support and promotion of medical education for the two fiscal years beginning June first one thousand nine hundred and thirty-five payment to be made according to law

Section 2 In addition to the appropriation made by section one of this act the sum of thirty-one thousand six hundred five dollars fourteen cents ($31,605.14) is hereby appropriated to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such college for the support and promotion of medical

education during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such college by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Woman's Medical College of Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments for this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 592, as follows:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries together with such other moneys as may be received by the State from the Federal Government in accordance with the Act of Congress of March fourth one thousand nine hundred and eleven for the maintenance of a nautical school located at the Port of Philadelphia and the State Treasurer is hereby authorized to pay the same to the Commissioners in equal quarterly payments during the two fiscal years commencing on the first day of June one thousand nine hundred and thirty-five said payments to be made upon the warrant of the Auditor General drawn upon the State Treasurer upon requisition of the commissioners approved by the Superintendent of Public Instruction

Section 2 In addition to the appropriation made by section one of this act the sum of three thousand seven hundred seventy-one dollars and seventy cents is hereby appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of obligations incurred by such Board for the maintenance of a nautical school located at the Port of Philadelphia during the two fiscal years ending May thirty-first one thousand nine hundred and thirty-five and which were not paid out of the maintenance appropriation made to such Board by the General Assembly at its regular session of one thousand nine hundred and thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 592, as follows:

An Act making appropriations to the National Farm School at Doylestown Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty-five thousand dollars ($45,000) or so much thereof as may be necessary is hereby specifically appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

Section 2 In addition to the appropriation made by section one of this act the sum of eleven thousand two hundred fifty dollars is hereby appropriated to the National Farm School at Doylestown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred and thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred and thirty-five because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the National Farm School out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1394, (Senate Bill No. 155), as follows:

An Act making appropriations to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for general maintenance Provided That in such school there shall be maintained a free scholarship for one pupil of each county in the State to be filled by appointment of the Governor of the Commonwealth except that for counties having more than one Senator as many scholarships shall be provided as there are senatorial districts in such counties and in the case of the failure of any county to be properly represented by an appointee or appointees at the opening of any school year October first then the Governor shall have the power to fill such vacancy or vacancies by the appointment of applicants from other counties of the State In each quarterly statement by the board of directors of the said institution to the Auditor General shall be included a state-

[illegible] names and residences of all pupils filling free scholarships as provided by this act

Section 2 In addition to the appropriation made by section one of this act the sum of twenty thousand dollars ($20,000) is hereby appropriated to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of this school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriations for such purpose made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriations made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2822, (Senate Bill No. 295), entitled:

An Act making appropriations to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred sixty thousand dollars ($160,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-five for the support and promotion of medical education

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thirty-five thousand four hundred seventy-five dollars fourteen cents ($135,475.14) is hereby appropriated to the Jefferson Medical College of Philadelphia for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such college for the support and promotion of medical education during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such college by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Jefferson Medical College of Philadelphia out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments for this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2929, (Senate Bill No. 963), as follows:

An Act making appropriations to the Trustees of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million six hundred thirty-three thousand dollars ($1,633,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University of Pennsylvania

Section 2 In addition to the appropriation made by section one of this act the sum of seven hundred forty-two thousand five hundred dollars ($742,500) is hereby appropriated to the trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the maintenance of the University and the purchase of apparatus and equipment for such University during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to such trustees for this purpose by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the Geeral Fund

Any law to the contrary notwithstanding amounts payable to the trustees of the University of Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund shall permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1935, (Senate Bill No. 299) as follows:

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred and sixty thousand dollars ($360,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Welfare for and during the two fiscal years beginning June first one thousand nine hundred and thirty-five to pay for the care treatment removal and maintenance of the indigent insane at The Dixmont Hospital Dixmont Allegheny County at a rate not exceeding three dollars ($3) per week for the care treatment and maintenance of each indigent patient in the hospital

No warrant shall be drawn or settlement made until the directors or managers of the hospital shall have made on oath or affirmation to the Department of Welfare a monthly or quarterly report as may be required by the Department of Welfare setting forth the actual total number of weeks of service rendered to indigent patients in said hospital during the period for which the report is made nor until the Secretary of Welfare shall have certified to the Auditor General that the monthly or quarterly report of the cost of such care and treatment contains no charge except for care treatment removal and maintenance

Section 2 It shall be the duty of the directors or managers of the hospital to make on oath or affirmation to the Department of Welfare a report on the fifteenth day of June one thousand nine hundred and thirty-five setting forth the name of each and every indigent patient resident in the hospital on the first day of June preceding Such list shall show the date of admission or readmission of each such patient the identification number of such patient and the county or poor district from which such patient was committed

Each month or quarter thereafter during the period covered by this appropriation as may be requested by the Secretary of Welfare the directors or managers of the hospital shall make on oath or affirmation a report to the Department of Welfare setting forth the name of each indigent patient admitted or readmitted during the period of the report together with the identification number of such patient the date of admission or readmission and the county or poor district from which such patient was committed Such report shall also contain the name of each indigent patient removed from the hospital by death discharge or parole together with the identification number of such patient the date of removal and the county or poor district from which such patient was committed

Section 3 In addition to the appropriation made by Section one of this act the sum of thirty-seven thousand five hundred dollars ($37,500) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the care treatment removal and maintenance of the indigent insane at the Dixmont Hospital at Dixmont Allegheny County at a rate not exceeding three dollars ($3) per week for the care treatment and maintenance of each indigent patient in the hospital and which were not paid out of the appropriations made for these purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from this appropriation made by Section one of this act

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2089, (Senate Bill No. 754) as follows:

An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven hundred fifty thousand dollars ($750,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University

Section 2 In addition to the appropriation made by section one of this act the sum of two hundred ninety-seven thousand dollars ($297,000) is hereby appropriated to the trustees of Temple University at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the general maintenance of and the purchase of apparatus and equipment for such University during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the trustees of Temple University out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2087 (Senate Bill No. 665), as follows:

A Further supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of three million nine hundred and thirty-two thousand two hundred and thirty-four dollars ($3,932,234) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five to the Trustees of The Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education for the general maintenance of other departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expendi-

tures as the trustees may deem necessary and practicable including any payments becoming due under a cooperative agreement between the Commonwealth and the trustees for the joint use of the facilities of the Pennsylvania State Forest School at Mont Alto the sum of three million seven hundred and ninety-eight thousand dollars ($3,798,000)

For reimbursement for the cost of emergency repairs to the foundations of the dairy buildings constructed at The Pennsylvania State College by authorization of the Legislature session of one thousand nine hundred and thirty-one the sum of one hundred and thirty-four thousand two hundred and thirty-four dollars ($134,234)

Section 2 In addition to the appropriation made by section one of this act the sum of one million five hundred twenty-nine thousand nine hundred twelve dollars and ninety-five cents ($1,529,912.95) is hereby appropriated to the trustees of The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the maintenance of such institution during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such trustees by the General Assembly for such fiscal period because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the aforesaid trustees out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

Agreeably o order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1864 as follows:

An Act making an appropriation to the trustees of the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and five thousand dollars ($105,000) or as much thereof as may be necessary is hereby specifically appropriated to the trustees of the Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the maintenance and support of research and experimental investigations on problems relating to the agricultural industry of the State and in the following amounts

For tobacco investigations six thousand dollars ($6,000) for potato investigations six thousand dollars ($6,000) for poultry investigations six thousand dollars ($6,000) for dairy investigations four thousand five hundred dollars ($4,500) for apiary investigations three thousand dollars ($3,000) for a study of the marketing of farm products five thousand dollars ($5,000) for taxation studies three thousand dollars ($3,000) for land utilization studies eight thousand dollars ($8,000) for rural organization studies six thousand dollars ($6,000) for farm crops investigations five thousand dollars ($5,000) for pasture improvement investigations five thousand dollars ($5,000) for horicultural research studies five thousand dollars ($5,000) for green house problem studies two thousand five hundred dollars ($2,500) and for the erection and equipment of a green house range for experimental purposes forty thousand dollars ($40,000)

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1228 as follows:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of six hundred eighty-five dollars and forty-nine cents ($685.49) is hereby specifically appropriated to the Department of Internal Affairs for the purpose of refunding the amount paid as purchase money and patent fee for a tract of land in Cambria County where proceedings to take title to such land were abandoned after the purchase money and patent fee had been paid into the State Treasury

Payment from said appropriation shall be made by requisition of the Secretary of Internal Affairs on the Auditor General upon proper proof of claim to the satisfaction of the Secretary of Internal Affairs

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2711 as follows:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as last amended by the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred twenty-two) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the members of the General Assembly shall be [two thousand five hundred dollars ($2,500)] three thousand dollars ($3,000) for each biennial session and mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session to be computed by the ordinary mail route between their homes and the capital of the State The salary of the members of the General Assembly shall be five hundred dollars ($500) and mileage as aforesaid for each special or extraordinary session and no other compensation shall be allowed what-

ever exceed one hundred and fifty dollars ($150) in postage for each regular biennial session and fifty dollars ($50) for each special or extraordinary session

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2743 as follows:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of six thousand dollars ($6,000) is hereby specifically appropriated to the Department of Forests and Waters for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of aiding the proper authority in the maintenance and development of the Trexler-Lehigh County Game Preserve in Lehigh County as a public park

Payments from said appropriation shall be made on requisition of the Secretary of Forests and Waters in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1403, (Senate Bill No. 350), entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers providing for the payment of such excavations and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2933, (Senate Bill No. 1026), entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2901, (Senate Bill No. 1382), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2065, entitled:

An Act providing for liens in favor of the Commonwealth and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity and furnishing therein care treatment and maintenance to persons injured in accidents upon the rights of action claims or demands of such injured persons against other persons corporations partnerships and other unincorporated associations whatsoever for damages on account of the negligence causing the injuries and upon the proceeds of the settlement of any such claims or demands providing for the entry recording release and discharge of such liens and imposing duties upon prothonotaries

The first and second sections were separately read and and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity shall be entitled to a lien upon any and all rights of action suits claims counterclaims or demands of any person admitted to any such hospital and receiving care treatment and maintenance therein on account of any personal injuries received in any accident as a result of the negligence of any other person corporation partnership or other unincorporated association which any such injured person may or shall have assert or maintain against any such other person corporation partnership or other unincorporated association for damages on account of such injuries for the amount of the charges of such hospital for such care treatment and maintenance

Section 2 The lien created by section one of this act shall attach to but shall not exceed fifty per centum of any verdict report decision decree award judgment or final order made or rendered in any action or proceeding in any court of record of this Commonwealth in any suit action or proceeding brought by such injured person or by the persons entitled to recover damages for any injuries causing death in case of deaths as a result of such injuries against any other person corporation partnership or other unincorporated association for the recovery of damages on account of injuries received in any such accident as well as to not more than thirty-five per centum of the proceeds of any settlement thereof or the settlement of any such claim or demand affected by any such injured person with any other person corporation partnership or other unincorporated association whose negligence is claimed or alleged to have been the cause of the said accident or affected with any other person corporation partnership or other unincorporated association on account thereof

The third section was read as follows:

Section 3 No release of any claim or demand on account of any such injuries or in respect of any such verdict report decision decree award judgment or final order made or rendered as hereinbefore mentioned executed by such injured person or by the persons entitled to recover damages for any injuries causing death shall be valid or effectual between the parties thereto or otherwise unless prior to the execution and delivery thereof all such hos-

pital charges shall have been paid in full or to the extent of fifty per centum of the full and true consideration as to which a lien is provided in Section two hereof paid or given to the injured person by the other party or parties to such release or paid or given by any other person corporation partnership or other unincorporated association in behalf of such other party or parties and unless such release shall also have been executed by the properly designated officers of the Commonwealth acting through the Department of Revenue charitable association corporation or other institution maintaining such hospital and every such verdict report decision decree award judgment or final order shall remain in force and effect until all such hospital charter shall have been paid in full or to the extent of fifty per centum of any such verdict report decision decree award judgment settlement or final order as to which a lien is provided in Section two hereof Provided That a notice in writing containing the name and address of the injured person the date and place of the accident the name and location of the hospital and if known the name of the person corporation partnership or other unincorporated association alleged to be liable to such injured person for and on account of the injuries received and the amount of such hospital charges shall be filed within ten days after the discharge or release of such injured person from any such hospital by the Commonwealth acting through the Department of Revenue charitable association corporation or other institution maintaining such hospital in the office of the prothonotary of the county in which such hospital is situated After the filing of such notice the Commonwealth acting through the Department of Revenue or the charitable association corporation or other institution maintaining such hospital shall whenever possible mail postage prepaid a copy thereof with a statement of the date of the filing to the person corporation partnership or other unincorporated association alleged to be liable to such injured person for and on account of the injuries received

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 3, page 3, line 15, by striking out the words "shall have been paid in full or to the"

Amend Section 3, page 3, line 16, by striking out the whole of said line.

Amend Section 3, line 17, by striking out at the beginning thereof the word "sideration".

Amend Section 3, page 3, line 18, by inserting after the word "hereof" the word "be"

Amend Section 3, page 3, line 18, by inserting after the word "paid" the words "or adjusted"

Amend Section 3, page 3, line 18, by striking out the words "or given to the injured person by the other"

Amend Section 3, page 3, lines 19, 20 and 21, by striking out all of said lines.

Amend Section 3, page 3, line 22, by striking out the word "parties"

Amend Section 3, page 3, line 28, by striking out the word "charter" and inserting in lieu thereof the word "charges"

Amend Section 3, page 3, line 29, by striking out therefrom the words "in full"

Amend Section , page 3, line 29, by inserting after the word "or" the word "adjusted"

Amend Section 3, page 3, line 29, by striking out from the said line the words "to the extent of fifty per centum of any"

Amend Section 3, page 4, line 1, by striking out all of said line.

Amend Section 3, page 4, line 2, by striking out the words "ment or final order as to which a lien is"

Amend Section 3, page 4, line 2, by inserting before the word "provided" the word "as"

Amend Section 3, page 4, line three, by striking out the words "Provided that a notice in writing con-"

Amend Section 3, page 4, by striking out lines 4 to 23 inclusive.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read and agreed to as follows:

Section 4 Every prothonotary shall at the expense of the county provide a suitable well-bound book to be called the hospital lien docket in which upon the filing of any lien claim under the provisions of this act he shall enter the name of the injured person the date of the accident and the name of the claimant and the said prothonotary shall make a proper index of the same in the name of the injured person and said prothonotary shall be entitled to twenty-five cents for filing each claim and at the rate of twenty-five cents per one hundred words or fraction thereof for such entry made in such lien docket and fifteen cents for every search in the office of such claim

The fifth section was read as follows:

Section 5 To discharge the lien evidenced by any notice filed under the provisions of Section three of this act the Commonwealth acting through the Department of Revenue or the charitable association corporation or other institution maintaining such hospital acting through its properly designated officers shall file in the office of the county where said notice has been filed a certificate to the effect that such lien for treatment care and maintenance has been duly paid as provided in this act or released and authorizing the prothonotary of the county in whose office said notice of lien has been filed to discharge the same and thereupon such prothonotary shall enter upon the margin of the hospital lien docket in which the said lien notice has been entered a memoradum of such filing and the date when such certificate of payment or release was filed in his office which certificate and entry shall constitute a discharge of the lien For the making of such entry the prothonotary shall receive the sum of fifty cents ($0.50)

On the question,

Will the House agree to the section?

Mr. HOLSTROM. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 5, page 5, line 16, by inserting after the word "paid" the following: "or adjusted"

Amend Section 5, page 5, line 23, by inserting after the word "payment" the following: "adjustment"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth, seventh and eighth sections and the title were separately read and agreed to as follows:

Section 6 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included therein

Section 7 All acts and parts of acts inconsistent with this act are hereby repealed

Section 8 This act shall become effective the first day of June one thousand nine hundred and thirty-five

An Act providing for liens in favor of the Commonwealth and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity and furnishing therein care treatment and maintenance to persons injured in accidents upon the rights of action claims or demands of such injured persons against other persons corporations partnerships and other unincorporated associations whatsoever for damages on account of the negligence causing the injuries and upon the proceeds of the settlement of any such claims or demands providing for the entry recording release and discharge of such liens and imposing duties upon prothonotaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 220, as follows:

An Act to amend section fourteen of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (P. L. 282) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities assistance to and the burial of certain aged indigent persons and the administraton of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties and others making counties liable for certain expenses providing penalties and making an appropriation" providing that inmates of almhouses may receive such assistance if otherwise eligible.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fourteen of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (P. L. 282) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilites assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties and others making counties liable for certain expenses providing penalties and making an appropriation" is hereby amended to read as follows

Section 14 This act shall not relieve any county city or poor district from responsibility for the maintenance either in an institution or otherwse of any person more than seventy years of age who cannot qualify for assistance under this act or who cannot be provided for under the current appropriation for carrying out the provisions of this act Nothing in this act shall be so construed as to prevent a person who is an inmate of any almshouse from receiving the assistance provided by the act if such person is otherwise eligible to receive such assistanc.

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2334, as follows:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That poor districts having territories not co-extensive with counties may be consolidated as follows

ARTICLE 1

CONSOLIDATION OF POOR DISTRICTS BY VOTE OF THE PEOPLE

Section 101 Adjacent Poor Districts may be Consolidated Whenever two or more poor districts situate in the same county shall be adjacent and of compact territory they may be consolidated into one poor district

Section 102 Joint agreements for consolidation Such consolidation shall be made under the following conditions

The directors or overseers of the poor districts may of their own initiative or shall within sixty days after each is requested in writing by at least one hundred qualified electors of the respective poor district enter into a joint agreement for the consolidation thereof into one poor district The joint agreement shall set forth the name of the new poor district not in conflict with any Act of Assembly limiting the same and the territorial boundaries thereof It shall also set forth such terms as have been agreed upon for the disposition of the assets of each of the poor districts and for the liquidation of the indebtedness of each of the poor districts either jointly separately or in certain defined proportions and the adjusting and paying of the same by separate rates of taxation on all properties subject to taxation within the boundaries of such poor districts respectively

In cases where the directors or overseers have been requested in writing by at least one hundred electors of their district to enter into an agreement of consolidation as herein provided and after due efforts made such directors or overseers are unable to agree on a plan of consolidation public announcement of that fact shall be made and further efforts therefor may be discontinued

Section 103 Election on Questions of Consolidation The question of the consolidation of such poor districts shall be submitted to the vote of the qualified electors of each of the poor districts at the next general or municipal election occurring at least ninety days after the date of the joint agreement Notice of said election shall be given in at least one newspaper of the county once a week for three successive weeks immediately preceding the dat of such election

The county commissioners shall submit such question of consolidation on the ballot or on voting machines at such election in a manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the consolidation of Poor District and Poor District	YES	
	NO	

If the majority of the votes cast for and against the proposed consolidation at such election in at least two of the poor districts is in favor of the consolidation that fact shall be certified to the poor directors or overseers of such poor districts by the county commissioners and the poor directors or overseers of the respective poor districts shall cause a certification of the result to be endorsed upon the joint agreement

Where such joint agreement shall have been entered into by the directors or overseers of more than two poor districts and the vote in two or more of such districts is in favor of such consolidation but in one or more of such districts the vote has been against such consolidation the directors or overseers of the districts having voted in favor thereof may if they deem it desirable revise the original agreement to make it fit the situation In such cases no further election on the question is necessary such revised agreement shall be endorsed as above provided and shall in all respects be as valid and have the same force and effect as if it were the original agreement

Section 104 Agreement to be filed with the Secretary of the Commonwealth Letters Patent The agreement or a certified copy thereof with all its endorsements shall be filed in the Office of the Secretary of the Commonwealth

Upon the filing thereof the Governor shall cause letters patent to be issued under the Great Seal of the Commonwealth consolidating the poor districts into one corporation by the name set forth in the joint agreement A copy of such agreement duly certified by the Secretary of the Commonwealth under the seal of his office shall be evidence of the existence of the new poor district

Section 105 Effect of Consolidation Upon the issuance of letters patent the several poor districts so consolidated shall be a poor district under the name provided in the agreement The rules regulations and orders in force in each of such poor districts at the time of such consolidation shall continue in force throughout the territory for which they were originally made until altered or rescinded by the directors of the consolidated poor district All right privileges and franchises of each of the poor districts and all the property real personal and mixed and all debts due on whatever account and other things in action belonging to each of such poor districts shall be vested in the new poor district The title to real estate vested in either of such poor districts shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of either of such poor districts shall attach to such new poor district and be enforced against it

Section 106 Districts Situated in Two Counties One Part May Consolidate with Other Districts Whenever a poor district consists of territory situate in more than one county that portion situate in one county may consolidate with one or more districts in the same county under the provisions of article one of this act if the directors or overseers of such poor district enter into the joint agreement hereinbefore prescribed In such cases the joint agreement shall be as hereinbefore prescribed and in addition thereto shall contain an agreement as to a just and proper adjustment and apportionment of all public property owned by such poor district both real and personal including funds as well as indebtedness Provided however That no director or overseer residing in that portion of the district which is to be included in the consolidation shall have any voice or vote in that part of the agreement which provides for such adjustment and apportionment of property and indebtedness

In cases under this section the question of consolidation shall be submitted to the vote of the electors of that portion of the poor district which is to be included in such consolidation and not to that portion situate in a different county

ARTICLE II

CONSOLIDATION BY COURT OF QUARTER SESSIONS

Section 201 Power to Consolidate The court of quarter sessions upon petition may consolidate two or more poor districts into one poor district situate in the same county and of adjacent and compact territory

Section 202 Signing and Contents of Petition The petition shall be signed by electors of each poor district equal to at least two per centum of the highest vote cast for any office within the territory of each poor district at the last preceding general election The petition shall contain the names of the poor district proposed to be consolidated and shall set forth a description and be accompanied with a plot showing the courses and distances of the boundaries of such poor district before and after the proposed consolidation

Section 203 Filing Petition Notice Decree Upon its presentation the court shall order the petition filed and shall fix a time for hearing Notice of the filing of the petition shall be given to the directors or overseers of the poor districts involved and also by publication in at least one newspaper of the county once a week for three consecutive weeks preceding the date of hearing If the court after hearing shall determine in favor of the proposed consolidation it shall make a decree setting forth the name of the new poor district not in conflict with any Act of Assembly limiting the same the disposition of the assets of each of the poor districts and the liquidation of the indebtedness of each of the poor districts The petition and decree shall be recorded in the office for the recording of deeds of the county The costs of the proceedings may be paid by either one or all of the poor districts to be consolidated

Section 204 Upon the recording of the petition and decree in the office of the recorder of deeds the several poor districts so consolidated shall be a poor district under the name provided in the decree The rules regulations and orders in force in each of such poor districts at the time of such consolidation shall continue in force throughout the territory for which they were originally made until altered or rescinded by the directors of the consolidated poor district All rights privileges and franchises of each of the poor districts and all the property real personal mixed and all debts due on whatever account and other things in action belonging to each of such poor district shall be vested in the new poor district The title to real estate vested in either of such poor district shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of either of such poor districts shall attach to such consolidated poor districts and be enforced against it

ARTICLE III

OFFICERS OF CONSOLIDATED DISTRICTS

Section 301 Vacancies as a result of consolidation by vote Whenever two or more poor districts shall be consolidated under article one hereof by vote of the people the office of director or overseer of the poor in each district shall by virtue of the said consolidation be declared vacant

Section 302 The Court of Quarter Sessions to fill vacancies The court of quarter sessions of the county in which the consolidated district is situate shall immediately upon certification in favor of consolidation fix the number and term of directors or overseers for the consolidated district

The number so fixed shall not exceed eight but subject to such limitation shall not be less than one director for each thirty-five thousand of population If the number of directors so fixed shall be an odd number the term of the majority shall be fixed for four years and the balance six years If the number of directors so fixed shall be an even number the term for one half shall be fixed for four years and the balance for six years

In counties where elected directors have charge of poor affairs for the greater proportion of the population in said county said court shall appoint from the directors or overseers of the poor districts consolidated directors for the consolidated district who shall serve until the next municipal election whereupon their offices shall be filled at such election for the terms fixed as aforesaid In counties where appointed directors are in charge of poor affairs for the greater proportion of the population of the county said court shall appoint from the directors or overseers of the poor districts consolidated directors for the consolidated district for the terms fixed as aforesaid

Section 303 Vacancies as a result of consolidation by Court of Quarter Sessions Whenever two or more poor districts shall be consolidated under article two hereof by the court of quarter sessions the said court in its order of consolidation shall fix the number and terms of directors and fill the vacancies in the same manner and subject to the same conditions as set forth in the preceding section hereof

ARTICLE IV

REPEALS

Section 401 All acts local special or general inconsistent or in conflict herewith are hereby repealed

Section 402 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1032, as follows:

An Act exempting the net amount not exceeding five thousand dollars payable under life insurance policies from the claims of creditors of the insured or beneficiary

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the net amount not exceeding five thousand dollars payable to any beneficiary under any life insurance policy shall be exempt free and clear from the claims of all creditors of the insured and beneficiaries and from all legal and judicial process of execution attachment or otherwise whatsoever any contract waiver or agreement to the contrary notwithstanding

Section 2 This act shall become effective immediately upon final enactment and shall apply to all cases then pending in which final judgment has not been entered

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 23, as follows:

An Act to further amend sections five hundred and thirty-seven five hundred and thirty-nine five hundred and forty-one five hundred and forty-three five hundred and fifty six five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the abolition of the per capita tax and the levying and collection of an occupation tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and thirty-seven five hundred and thirty-nine five hundred and forty-one five hundred and forty-three five hundred and fifty-six five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 503) are hereby further amended to read as follows

Section 537 In all school districts of the second third and fourth class all school taxes shall be levied and assessed by the board of school directors therein during the month of April or May each year for the ensuing fiscal year and in school districts of the second class shall not exceed twenty mills on the dollar and in school districts of the third and fourth class shall not exceed twenty-five mills on the dollar on the total amount of the assessed valuation of all property taxable for school purposes therein Provided That each school district of the second third or fourth class [may] shall also collect [a per capita] the occupation tax on each resident or inhabitant of such district over twenty-one years of age as herein provided

Section 539 In order to enable the board of school directors in all school districts of the second class to levy and assess the necessary school taxes required by such school district each year the city clerk or other proper official shall annually on or before the first day of April in each year at the expense of the city furnish to each school district of the second class for its use to be retained by it a properly certified duplicate of the last adjusted valuation of all real estate personal property and [a list of all residents or inhabitants] occupations made taxable in such school district of the second class stating the name of each taxable the valuation description and kind of property or occupations assessed all of which real estate personal property and [residents or inhabitants] occupations are hereby made taxable for school purposes in each such school district of the second class The properly certified duplicate herein required to be furnished each school district of the second class at the expense of the city shall consist of a bound book printed and indexed according to the form to be submitted by the secretary of the board of school directors of each such school district to the city clerk or other proper official on or before the first day of January of each year

Section 541 In order to enable the board of school directors in each district of the third or fourth class in this Commonwealth to assess and levy the necessary school taxes required by such district each year the county commissioners in each county shall on or before the first day of April in each year at the expense of the county furnish each school district of the third or fourth class therein for its own use to be retained by it a properly certified duplicate of the last adjusted valuation of all real estate personal property and [residents or inhabitants] occupations made taxable for county purposes in such school district stating the name of each taxable and the valuation description and kind of property [and a list of the residents or inhabitants] or occupation assessed all of which real estate personal property and [residents or inhabitants] occupations are hereby made taxable for school purposes in each school district of the third or fourth class

Section 543 In order that the board of school directors of each school district of the second third or fourth class in this Commonwealth may assess levy and collect [a per capita] an occupation tax [of not less than one dollar nor more than five dollars] on each resident or inhabitant over twenty-one years of age in the district it shall be the duty of the proper assessors in each such school district of this Commonwealth to [prepare a list or residents or inhabitants] assess every resident or inhabitant in such school district over twenty-one years of age with an occupation at such an amount as shall be proper and return the same with the other taxable property in the district as provided by law In each school district all such [lists of residents or inhabitants] assessments of occupation shall be included and certified in the list of taxable property to be certified to the board of school directors in each school district as herein provided

Section 556 In every school district of the second third or fourth class in this Commonwealth where the name of any inhabitant or resident in any school district has been thus furnished to the proper assessor or assessors then in any such case when the school taxes are levied upon the city assessment the city assessors or when the school taxes are levied upon the county assessment the proper assessors shall forthwith assess such inhabitant or resident so reported with an occupation in a proper amount and shall promptly certify the same to the city clerk or other proper official or to the county commisisoners as the case may be who shall then promptly certify such name together with his or her occupation to the secretary of the board of school directors of the school district in which such party so assessed resides where upon the said secretary shall add the name and assessment of such person to the duplicate of the collector of school taxes in such district and the proper tax collecor shall thereupon proceed to collect the tax assessed against such person as herein provided In no event however shall less than one dollar be collected from each such person

Section 557 In case any resident or inhabitant of any school district of the second third or fourth class in this Commonwealth neglects or refuses to pay his or her [per capita] occupation tax as herein provided after having received ten days' notice or demand so to do the collector of such school taxes shall notify any firm associ-

ation or corporation where such delinquent taxpayer is employed that such taxpayer has failed or neglected to pay his or her [per capita] occupation tax as required and such collectors of school taxes may thereupon request the payment of such [per capita] occupation tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association or corporation employing any such delinquent taxpayer may deduct from any wages that are then or may thereafter become due and owing to him the amount of such delinquent [per capita] occupation tax and pay the same over to such collector of school taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

Section 558 If any person firm association or corporation receiving a notice from any school tax collecter requesting the payment of any [per capita] occupation tax of any employe shall fail or refuse to deduct from any wages then due or that may thereafter become due and owing to such employe the amount of such [per capita] occupation tax or if such person firm association or corporation deducts the amount of such [per capita] corporation tax and fails to pay the same over to the collector of school taxes in any district within thirty days after making such deduction or deductions such person firm or corporation shall forfeit and pay to the said school district a sum equal to the amount of such [per capita] occupation tax collected from such employe or employes as aforesaid which sum together with costs may be recovered by the said school district in any action of assumpsit against said person firm association or corporation failing to pay over such tax debts of like amount or now recoverable In the tax as debts of any judgment recovered for any such delinquent [per capita] occupation tax against any person firm association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2971, (Senate Bill No. 952), entitled:

An Act to amend section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualication regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges provdiing penalties and repealing existing laws" providing an alternative method of computing unearned premium liability.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2913, (Senate Bill No. 1241), entitled:

An Act to amend section four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof and making an appropriation therefor" substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund and adding to said board a member of the Pennsylvania Historical Commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2922, (Senate Bill No. 1384), entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Section 1205 In school districts of the second third and fourth class all contracts with teachers shall be in writing in duplicate and shall be executed on behalf of the board of school directors by the president and secretary and signed by the teacher

After the thirtieth day of June one thousand nine hundred and twenty-nine each board of school directors or board of public education in school districts of the second third and fourth class in this Commonwealth shall enter into contract in writing with all teachers supervisors supervising principals and principals employed by them and said contract shall contain the following

"IT IS AGREED BY and between ..... Teacher and the Board of Directors of the school district trict of .....Pennsylvania that said teacher shall under the authority of the said board and its suc-

cessors and subject to the supervision and authority of the properly authorized superintendent of schools teach in the said school district for a term.....months for an annual compensation of $..... payable monthly or semi-monthly during the school term less the contribution required by law to be paid to the Teachers' Retirement Fund

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto and to such regulations as the Board of School Directors of this district may impose consistent with the said act

"AND IT IS FURTHER AGREED by the parties hereto that this contract shall continue in force year after year with the right of the Board of Education or the Board of School Directors to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district or to change said salary subject to the provisions of law without invalidating any other provision of this contract [unless terminated] Any such increase or change of salary for each ensuing year shall be made at least sixty days before the end of the previous school term

A teacher's contract may only be terminated by the teacher at the close of the school term by written resignation presented sixty days before the close of said school term or by the Board of School Directors for reasons specified and in accordance with the procedure provided by this act by official written notice presented to the teacher sixty days before the close of the school term"

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2938 (Senate Bill No. 1396), entitled

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2950 (Senate Bill No. 55), entitled

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto section four hundred and eleven A which reads as follows

Section 411 A EFFECT OF MEDICAL EXAMINATION AND WAIVER THEREOF In any case where the medical examiner or physician acting as such or the agent of the insurer recording the answers of the applicant where a medical examination is waived of any insurance company doing business in this State shall issue a certificate of health or declare the applicant a fit subject for insurance or so report to the company or its agent under the rules and regulations of the company it shall thereby be estopped from setting up in defense of the action on the policy or certificate issued to the insured that the insured was not in the condition of health required by the policy or certificate or by the company issuing the same at the time of the medical examination or the recording of the answers of the applicant where a medical examination is waived unless the same was procured by or through the fraud deceit or misrepresentation of or on behalf of the insured

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT BILL

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of a hearing.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Flinchbaugh.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. FLINCHBAUGH. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from York what the purpose of recommitting this bill is.

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, quite a number of men interested in the insurance business, representing different companies, have asked to be heard on this bill. My intention is to refer it back to the Committee on Insurance and try to arrange for a meeting or a hearing on Monday or Tuesday, which will be ample time for the

gentlemen to be heard and bring the bill back in time to pass it at this session.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire from the gentleman whether he will agree to have the bill read the second time?

Mr. FLINCHBAUGH. Mr. Speaker, I will.

The SPEAKER. The gentleman withdraws his motion temporarily until his bill has been given second reading.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of a hearing.

On the question.

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I have just been informed that there was a representative before the Committee representing the companies, and that Senator Reed also spoke before the Committee. I would like to inquire from the gentleman from York, Mr. Flinchbaugh, whether or not that is correct?

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. FLINCHBAUGH. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire from the gentleman from York whether Senator Reed and also a representative of one of the large insurance companies were present and discussed this bill before the Committee?

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, Senator Reed, the sponsor of the bill, was present and spoke briefly in its support. There was one other person other than the Committee, who I understand represented one of the large life insurance companies. He was invited to speak but he said he had no comments to make.

Representatives of other insurance companies have appeared since and said that in fairness to them, they should have also been invited to be present and that the person representing the insurance companies had no authority to speak for the insurance companies generally.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from York, Mr. Flinchbaugh, whether or not he has received any objection to this bill other than from the insurance companies?

Mr. FLINCHBAUGH. Mr. Speaker, there have been several persons representing insurance companies who have appeared and asked for a hearing. There are other people opposed to this measure whose names probably it would not be wise to divulge.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman whether he would agree to have the bill placed upon the postponed calendar with the understanding that it will not be called up without consuling him?

Mr. FLINCHBAUGH. Mr. Speaker, in answer to the from Dauphin, there was a tacit understanding in the Committee if any serious objection or objections was raised to this bill, it would be referred back on second reading. Consequently I do not feel at liberty to place it upon the postponed calendar.

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill is not a particularly long bill and it is a matter than has been given consideration both by the Senate and the House. It is a bill which will be of advantage to the people who take out insurance.

It is a bill that is fair and I feel that this bill at this late date should not be sent back to a committee because I have been advised that there is a movement on foot,—I am not saying that that is the intention of the gentleman who is making the motion,—but I have been advised that there is a movement on foot to send this bill back to committee for the purpose of pickling it.

I feel that the bill at this late date should not go back to committee but should be placed upon the postponed calendar and the House permitted to vote on it. Therefore, I think that the motion should be defeated.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, sixty-six members having voted in the affirmative and fifty in the negative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dsipensed with,

The House proceeded to the second reading and consideration of House Bill No. 2986, (Senate Bill No. 1526), entitled:

An Act fixing the salaries of the clerk to the President of the Senate

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the clerk to the President of the Senate is hereby fixed at two thousand four hundred dollars per annum.

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 6, by inserting after the word "annum" the following: "and the salary of the stenographer to the Speaker is hereby fixed at one thousand eight hundred dollars per annum"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

On the question,

Will the House agree to the bill?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Bill,, page 1, by inserting after line 8 the following section: "Section 3. This act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the bill as amended?

It was agreed to.

The title was read as follows:

An Act fixing the salary of the clerk to the President of the Senate

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the word "Senate" the following: "and the salary of the stenographer to the Speaker of the House of Representatives"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading,

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dsipensed with,

The House proceeded to the second reading and consideration of House Bill No. 2979, (Senate Bill No. 1315), entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two three hundred and forty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2946, (Senate Bill No. 1466), entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended permitting dogs to be trained on Sunday during the training season with the consent of owners of lands except in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2967, (Senate Bill No. 1029), entitled:

An Act to amend Section four hundred ten of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident and further to amend the provisions relating to participation in surplus

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2829, (Senate Bill No. 1017), entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or or eminent domain private property rights or interests in respect to any lands within said park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1468, (Senate Bill No. 201), entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2983, (Senate Bill No. 1431), entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1366, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of Trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and ten providing for the preparation and furnishing by the Department of Internal Affairs to county commissioners or boards for the assessment and revision of taxes of model forms for tax duplicates tax bills and tax receipts to be used for tax collection purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding thereto section one thousand two hundred and ten which reads as follows

Section 1210 Local Government Tax Duplicates Tax Bills and Tax Receipts The Department of Internal Affairs shall have power and its duty shall be

(a) To prepare and furnish to the county commissioners or boards for the assessment and revision of taxes except in counties of the first class model forms for tax duplicates to be used in the central collection of taxes of counties except counties of the first class boroughs towns townships poor districts within or coextensive with such counties or within two or more counties except those coextensive with or located wholly within cities and all school districts including independent school districts within said counties except school districts coextensive in territory with or located wholly within cities Such model forms shall show substantially (a) the name and residence of each taxable (b) the location and valuation of each parcel of real estate of such taxable (c) the valuation of personal property including intangibles taxable for county purposes only (d) the valuation of the occupation of each taxable (e) the amount of any occupation tax poll or per-capita tax levied by any taxing unit (f) the rates of taxation of the various taxing units and (g) the several amounts of taxes due by each person to each respective unit

(b) To furnish to said county commissioners or boards for the assessment and revision of taxes model forms for tax bills and tax receipts to be used in the collection of said taxes Such model form of tax bill shall contain (a) the name of the county and the name of the city borough town or township in which the taxes are assessed (b) the rates of taxation levied by the county borough town township school district and poor district in which the person is taxable (c) the location and valuation of each parcel of real estate of the taxable (d) the valuation of the personal property taxable for county purposes only (e) the valuation of the occupation of the taxable (f) the occupation poll and per-capita taxes levied by the respective taxing units (g) the full amount of county borough town township school and poor taxes for which the taxable is liable (h) if an instalment system for tax payments has been established a statement when each installment of all of said taxes becomes due and delinquent and the additional percentage which will be added to the several instalments as a penalty (i) if no instalment system of tax payments has been established and as to those taxes not paid on the instalment plan a statement of the discount and the time before which the same may be secured the time during which taxes are payable at face and when the penalty will be added stating the same and (j) the places where such taxes are payable

The model tax bill may be in such form that the bill may be used for receipt purposes by the attachment thereto of a stub or duplicate which shows substantially the same information and which may be detached from the bill for record purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2319 as follows.

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining and regulating fish-bait providing additional penalties for possession of fish during closed season providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses declaring unlawful certain methods of fishing fixing license fees for outlines providing for naturalized foreign born resident's licenses and licenses lost or destroyed providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons and extending the right to set aside certain waters for nursery waters

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections 12 21 31 40 41 42 50 51 60 70 72 90 170 175 176 179 180 213 220 221 240 and 255 of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended are hereby further amended to read as follows

Section 12 Fish Bait Defined The term "fish-bait" means crawfish known as crayfish or crabs crane flies or waterworm mussels and helgramites

It shall be unlawful to use any species of goldfish for bait under penalty of ten dollars for each offense

Section [12] 13 Scope of Chapter Provisions The provisions of this chapter (II) and its several articles and sections shall be construed as applying only to waters wholly within the boundaries of the Commonwealth

Section 21 Penalty for Having Fish during Closed Season No person shall have in his possession except as in this article otherwise provided any of the fish enumerated in section twenty of this act during the closed season respectively provided for Any person violating the provisions of this section shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each fish so taken caught or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 31 Penalty Any person violating the provisions of section thirty of this act shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each fish so taken or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 40 Number of Fish and Fish-bait Which May Be Caught No person except as in this article otherwise provided shall in any one day catch kill or have in possession more than the number of fish or fish-bait hereby designated for the respective species that is to say

(a) Charr or trout of the combined species twenty

(b) White bass rock-bass crappie strawberry or calico bass fifteen

(c) Small or large mouth bass ten

(d) Pike-perch otherwise called wall-eyed pike or susquehanna salmon ten

(e) Pickerel fifteen

(f) Muscallonge western and northern pike three

(g) Yellow perch twenty-five

(h) Sunfish twenty-five

(i) Catfish twenty-five

(j) Suckers twenty-five

(k) Chubs twenty-five

(l) Fallfish twenty-five

(m) Rockfish or striped-bass five

(n) All other species of fish including bait fish not specifically mentioned in this section except eels fifty

(o) Fish-bait fifty

Section 41 Penalty Any person violating the provision of section forty of this act shall on conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each fish or fish-bait taken caught or had in possession over the number respectively allowed by this act

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 42 Exceptions to Penalty In computing the number of fish taken caught or had in possession the number of fish returned in the condition in which they were caught to the waters from which they were taken shall be omitted and the provisions of this article do not apply to fish or fish-bait artificially propagated under the authority of this act

Section 50 Devices to Catch Game-Fish [and] Bait-fish and fish-bait No person shall use any device means or method whatsoever except as in this article otherwise provided for taking fish from the waters within this Commonwealth except the following that is to say for

(a) Game-fish two rods and two lines and one hand line with not more the three hooks attached to either line

(b) Bait-fish and fish-bait two rods and two lines with not more than three hooks attached to each line a dipnet or minnow seine not over four feet square or four feet in diameter a minnow trap with not more than one opening which shall not exceed one inch in diameter. The rods hooks and lines must be under the immediate control of the person using the same

(c) It shall be unlawful to take or attempt to take fish of any kind by the methods known as snatch-fishing foul-hooking or snag-fishing or the taking or fishing for fish with hook or hooks baited or otherwise attached to rod or line or other device for the taking of or fishing for fish with any device whatsoever which may be used to capture any fish by engaging such device in to or with any part of the body of a fish

[(c)] (d) Eels in rivers of this Commonwealth in addition to such rods and lines eel chutes from the first day of August to the last day of November in each year Sundays excepted but only from four o'clock in the afternoon to eight o'clock in the morning on such days when a special license therefor in addition to the regular fishing license has been first secured Eel chutes to be lawful shall not have any wings of netting of any kind or any cloth or wire netting but shall be constructed of wooden slats or lath which shall not be closer than one-half inch in the bottom Eel chutes shall not be more than five feet long and the width of entrance of an eel chute shall not be more than ten feet A metal tag issued at the time the special license is secured shall be securely fastened to the eel chute in a conspicuous place

No wing walls of stone or other material shall be constructed for more than three-fourths of the distance across any river The heads of no two wing walls when constructed side by side shall be closer together than a distance of twenty feet

All Eel chutes must be kept free of rubbish and all game fish found therein must be immediately returned to the water of the river uninjured

During the hours of each day and on Sunday when the operation and use of eel chutes is not legal under this section a portion of the bottoms of such chutes shall be removed to facilitate the unobstructed passage of fishes

Section 51 Penalty Any person violating the provisions of section fifty of this article shall on conviction as provided in chapter fourteen be sentenced to pay a fine of twenty dollars and shall forfeit to the Board all devices unlawfully used

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 60 Definitions The following terms when used in this act are employed except where the context otherwise indicates with the meaning herein respectively assigned thereto

"Boundary lake" means such part or parts of lakes of more than five thousand acres lying between this and any other State or foreign country as this Commonwealth has jurisdiction over

"Bay" means a bay adjacent to or connected with a boundary lake as above defined

"Peninsular waters" means water on any peninsula which water is adjacent to or connected with a boundary like as above defined

"Game-fish" means all species of varieties of black or yellow rock-bass calico bass or strawberry bass crappie bass muscallonge and grass pike

"Bait-fish" means minnows and kilifishes

"Fish-bait" means crawfish known as crayfish or crabs crane flies or water-worm mussels and helgramites

"Food-fish" means all fish other than game-fish and bait fish as above defined

Section 70 Fishing Devices Except as hereinafter in article III of this chapter otherwise specifically provided no person shall fish for or capture game-fish or food-fish in boundary lakes bays or peninsular waters in any manner with any device means or method other than

(a) Rod and line having not more than three hooks

(b) Hand-line having not more than three hooks

(c) Trolling line with spoon-hooks attached

(d) Spear which may be used for catching carp and suckers only

Any person violating any provisions of this act shall on conviction as provided in chapter fourteen of this act be subject to a penalty of twenty-five dollars

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 72 Closed Season No person shall catch take or have in possession the same being killed any game-fish from the first day of November to the twenty-ninth day of May next ensuing both dates inclusive

Any person violating the provisions of sections seventy-one or seventy-two of this act shall on conviction in the manner provided in chapter fourteen of this act be subject to a penalty of five dollars for each and every fish caught killed or had in possession

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 90 Boat and Net Licenses Fees Revocation The Board is hereby authorized to issue a fishing license upon written application therefor signed by the applicant upon payment of the license fee herein prescribed for the respective fishing devices or persons that is to say for each

(a) Row or sailboat used in fishing with gill-nets resident citizens twenty dollars non-resident citizens of the United States forty dollars

(b) Boat other than a row or sailboat under ten tons gross burden resident citizens forty dollars non-resident citizens of the United States eighty dollars

(c) Boat of from ten to twenty tons gross burden resident citizens sixty dollars non-resident citizens of the United States one hundred and twenty dollars

(d) Boat over twenty tons gross burden resident citizens eighty dollars non-resident citizens of the United States one hundred sixty dollars

(e) Pound-net resident citizens twenty-five dollars non-resident citizens of the United States eighty dollars

(f) Trap-net or device other than a pound-net resident citizens not less than ten dollars nor more than twenty dollars non-resident citizens of the United States not less than twenty dollars nor more than forty dollars to be determined and fixed by the Commissioner

(g) [Person employed on a licensed boat two dollars] Out-line two dollars each

The Commissioner may revoke any license for violation of any provision of this act or for violation of any conditions on which the license was granted

Any person operating or employing others to operate any boat net or device without being licensed as hereinbefore provided shall on conviction as provided in chapter fourteen of this act be subject to a penalty of fifty dollars All fish caught with such unlicensed devices shall be forfeited to the Board All unlicensed devices used in violation of the provisions of this act shall be forfeited to the Board

Section 170 Board May Issue Propagation Licenses The board is authorized to issue an artificial propogation license for the propagation of all species of trout and all species of basses upon a written application therefor signed by the applicant and upon the payment to such board of the sum of twenty-five dollars for the propagation of gold fish the sum of five dollars and for any other species of fish the sum of five dollars Provided That a person licensed to propagate bait-fish may also propagate and sell fish-bait

Section 175 Sales of Fish and Fish-bait Regulated A person selling fish or fish-bait under the license provided by this article shall furnish the purchaser with a certificate or invoice of the sale bearing the date of sale the number of the license under which sold the number of fish and fish-bait and number of pounds sold The certificate or invoice must be shown by the holder on demand of any fish warden clerk of the market constable or any person authorized to make arrests for violation of the laws of this Commonwealth relating to fish The certificate or invoice shall authorize the sale or holding in possession of the fish or fish-bait so purchased for a period of six days after its date of issue except in the case of bait-fish or fish-bait which may be held in possession by dealers and purchasers until disposed of

Section 176 Reports by License Inspection of Premises A person holding an artificial propagation license under this article shall annually on the first day of January file with the Board a written statemen duly sworn to showing the number value and number of pounds of fish or the eggs thereof and fish-bait sold or disposed of during the year The books and property of the persons licensed under this article shall be open to the Board or its agents for inspection at all reasonable times

Section 179 Unlawful Acts No person shall artifically propagate any species of fish or fish-bait without first procuring the license provided by this article No person receiving a license as provided by this article shall operate a propagating plant different from that designated in the license No person operating a propagating plant for which a license has been issued for the operation of such plant shall catch fish out of any stream flowing over the property of the licensee

No person shall fish or trespass with intent to fish in or upon any waters or bed or banks of any waters or any banks owned controlled or occupied by persons licensed by this article No person shall wilfully or maliciously destroy or damage any ponds property or appliances whatever of a propagating plant licensed under this article No person shall interfere or obstruct pollute or diminish the natural flow of water into or through a propagating plant licensed under this article

Section 180 Penalty Any person violating any provisions of this article shall on conviction in the manner provided by chapted fourteen of this act be sentenced to pay a fine of one hundred dollars

In addition to such penalty the license of such person may be revoked for one year for the first offense and two or more years for the second offense at the discretion of the Board

Section 213 Unlawful to Sell Bait-fish or Fish-bait It shall be unlawful for any person to sell or offer for sale any bait-fish or fish-bait taken from the public waters of this Commonwealth subject to a penalty of ten dollars for each bait-fish or fish-bait sold or offered for sale upon conviction as provided in chapter fourteen of this act

Section [illegible] Exceptions to Penalty This article does not prohibit any person from employing a guide to accompany him when fishing nor does it apply to fish or fish-bait artificially propagated and sold under the authority of this act

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he has been a bona fide resident of this Commonwealth for a period of thirty days preceding his application and was born in the United States [or was fully naturalized under the laws of the United States] and in the case of naturalized foreign-born residents the production of such applicant's naturalization papers shall upon the payment to the county treasurer or the Department of Revenue of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by the county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed duplicate can be secured from the county treasurer or the Department by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate but in case both the license certificate and the button are lost or destroyed a new license and button must be purchased

Upon the making of an application by any person to the department or county treasurer for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar for the use of the Commonwealth and ten cents for the use of the county treasurer where application is made to him such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the northern boundary of Berwick on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

Section 221 Non-Resident and Alien Non-Resident Fishing License Fees Tourist Fishing License Fees for Non-Residents and Alien Non-Residents A For the purposes of this article every person [without regard to age] twelve years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he is a non-residen of this Commonwealth but a citizen of the United States and in the case of naturalized foreign-born non-residents the production of such applicant's naturalization papers shall upon the payment to the county treasurer or the department of the same amount as is charged and received from non-residents by the State of which the applicant is a resident for a similar license (not however less in any case than two dollars and fifty cents) and in the event that the license is issued by a county treasurer the payment of ten cents for the use of the county treasurer be entitled to the license herein referred to as a "non-resident fishing liceense"

B For the purposes of this article every person twelve years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he is a non-resident of the Commonwealth but a citizen of the United States and in the case of naturalized foreign-born non-resident the production of such applicant's naturalization papers shall upon the payment to the county treasurer or the Department of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by a county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as a "tourist fishing license" which shall be valid for a period of three days.

Section 240 Unnaturalized Foreign-born Not to Fish It shall be unlawful for any unnaturalized foreign-born resident to go fishing for or capture or kill in this Commonwealth any fish of any description Provided however That the Commissioner with the approval of the Board may issue not more than fifty special fishing permits or complimentary licenses in each year to unnaturalized foreign-born persons or distinguished non-residents Each and every person violating any provision of this section shall upon conviction thereof in the manner provided in chapter fourteen of this act be sentenced to pay a penalty of twenty dollars for each offense

Section 255 Nursery Waters The Board is authorized to set aside at its discretion or upon petition of one hundred and fifty residents who shall be holders of fishing licenses such [small streams not exceeding one in any county at the same time and such lakes] streams lakes dams ponds or parts thereof as it may judge best as nursery streams or lakes in which fishing shall be prohibited at all times of the year Before setting aside such streams or lakes the Board through the Commissioner shall give public notice of closing such streams or water by publishing the prohibition and the duration thereof in two newspapers of general circulation published in the county or counties where such stream or water is located once a week for three consecutive weeks Notice of such closing shall also be posted at the outlet of the stream or lake so closed and at intervals of three hundred yards along the banks thereof Any person fishing catching or killing any fish from any stream or water so closed shall on conviction in the manner provided by chapter fourteen be sentenced to pay a fine of one hundred dollars

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2548 as follows.

An Act to amend sections two three and four of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and other and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four and six of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" are hereby amended to read as follows:

Section 2 That any midwife or nurse public health nurse social worker or other person [having the care] being responsible for the health and welfare of an infant whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth shall report the same in writing to the [health authorities of the city borough or township of the first class in which the case may be located or if it be located in a township of the second class or a city borough or township of the first class not having a board of health or body acting as such the State Department of Health] county medical director within six hours after the discovery thereof giving the name of the infant the names of the parents or guardians and the street and number of their residence or otherwise sufficiently designate the same together with the fact that such inflammation or swelling or redness exists and shall make a similar report in writing to the family physician

or if the family does not employ a physician to some regularly qualified practicing physician of the district

Section 3 That it shall be the duty of the said [health authorities or the State Department of Health] county medical director immediately upon receipt of a written report from a midwife or a nurse or person other than a practicing physician to notify the parents or guardian or other person having charge of the infant of the danger to the eyes or eye of said infant by reason of any neglect of proper treatment of the same

The county medical director shall investigate the condition personally and shall make arrangements for the proper medical and skilled nursing care He shall within four days forward on a special blank to the State Department of Health such information as may be required

Section 4 Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eyes of an infant) shall within forty-eight hours after said physician ceases treatment of or attendance upon such a case of ophthalmia neonatorum report to the [Commissioner] Department of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum giving full information as required in section one of this act stating that he has ceased treatment of or attendance upon said case and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum

Any physician who shall treat or examine or have knowledge of an infant suffering from ophthalmia neonatorum (inflammation of the eyes of infants) shall report forthwith in writing to the county medical director and the State Department of Health

Section 6 Any physician midwife nurse or other person who shall violate any of the provisions of this act shall [upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed] be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than [twenty] one hundred or more than [one hundred($100)] five hundred ($500) dollars to be paid to the use of the [said] county and the costs of prosecution or to be imprisoned in the county jail for a period of not less than [ten (10)] thirty (30) or more than [thirty (30)] ninety (90) days or both at the discretion of the court

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2895 as follows.

An Act imposing a State tax payable by those herein defined as manufacturers and special wine permittees on wines used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale wines taxable hereunder and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Wine Tax Law"

Section 2 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Wines" means any beverage containing more than one-half of one per cent and not more than twenty-one (21) per cent absolute alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar including all natural wines and fortified wines within the above limits but not including any beverage known as beer lager beer ale porter or similar fermented malt liquor obtained by alcoholic fermentation of an infusion or decotion of barley malt and hops in water

"Sale" or "Sell" includes any transfer of wine for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

"Container" means any receptacle vessel or cask barrel drum keg can or bottle or other form of package used for the transferring or shipment of distilled spirits rectified spirits or wines

"Original containers" means and includes bottles casks kegs or other containers that have been securely capped or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same

"Person" includes every natural person copartnership association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to association or copartnership shall mean the partners or members thereof and as applied to corporation shall mean the officers thereof

"Manufacturer" means any person association or corporation engaged in the producing manufacturing rectifying or compounding of wines in this Commonwealth

"Special wine permittee" means any person engaged in the purchase and resale of wines in the original sealed packages as prepared for market by the manufacturer or bottler including any who or which

1 Imports or causes to be imported from any other state or territory of the United States or from any foreign country wines for his own use in the Commonwealth of Pennsylvania or for sale and delivery in and after reaching the Commonwealth other than in the original package receptacle or container

2 Imports or causes to be imported from any other state or territory of the United States or from any foreign country wines for his own use in the Commonwealth of Pennsylvania or for sale or delivery therein after the same have come to rest or storage therein whether or not in the original package receptacle or container

3 Purchases or receives wines in the original package receptacle or container in the Commonwealth of Pennsylvania for his own use or for sale and delivery therein from any person who has imported the same from a foreign country

4 Purchases or receives wines in the original package receptacle or container in the Commonwealth of Pennsylvania for his own use therein or for sale and delivery therein from any person who has imported the same from any other state or territory of the United States in case such wines have not prior to such purchase or receipt come to rest or storage in the Commonwealth of Pennsylvania

5 Receives and in any manner uses or distributes wines in the Commonwealth of Pennsylvania on which the tax provided in this act has not been previously paid

"In bond" Wines shall be construed to be "in bond" when they are lodged or stored in any place or warehouse designated or defined from time to time by or pursuant to any act of Congress as a bonded winery warehouse general bonded warehouse or special bonded warehouse under bond of the owner thereof conditioned upon the payment of taxes due thereon to the United States

"Department" means the Department of Revenue

Section 3 Each manufacturer or special wine permittee shall be subject to pay to the Commonwealth the taxes imposed by this section upon all wines manufactured in this Commonwealth when prepared for market or when withdrawn from bond or when imported into this Commonwealth when the same come to rest or storage in this Commonwealth Such taxes shall be at the rate of five cents per wine gallon upon all wines of not more than fourteen per cent (14%) alcoholic content and ten cents per wine gallon upon all wines of more than fourteen per cent (14%) alcoholic content

Manufacturers and special wine permittees shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act

Section 4 The payment of the taxes herein provided shall be evidenced by the affixing of wine tax stamps to

the original containers in which all wines are placed received stored shipped or handled Such stamps shall be affixed to each individual container of wines by manufacturers within twenty-four (24) hours and by special wine permittees within forty-eight (48) hours after such wines are placed therein withdrawn from bond or received by them

It is intent and purpose of this section to require all manufacturers and special wine permittees to affix the stamps provided for in this act to all original containers in which wines are normally placed prepared for market withdrawn from bond received sold or handled

Section 5 Whenever wine is sold from the contents of original containers upon which the tax imposed by this act has been paid a stamp evidencing the fact that such tax has been so paid shall be affixed to the container in which such wine is sold or into which it is delivered which stamp shall be immediately destroyed or defaced upon removing the wine from such container

Section 6 Any manufacturer or special wine permittee who shall sell wines to special wine permittees retail dealers or consumers without affixing to the containers the stamps required by this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment for a term not exceding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

Any manufacturer or special wine permittee who shall be convicted of a misdemeanor under this section shall in addition to the punishment heretofore prescribed be adjudged to pay to the Commonwealth the tax due together with interest at the rate of twelve (12) per centum per annum from the date when due and payable Such adjudication shall be certified to the prothonotary of the county and shall be indexed as and have the effect of a judgment for the amount of such tax and interest

Section 7 The department shall prescribe prepare and furnish stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provision for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of wines and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of one half of one per centum on the face value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 8 The department shall also prescribe and prepare stamps for evidencing the payment of the tax hereby imposed on wines sold from the contents of original containers upon which such tax has been paid Such stamps shall be furnished by the department without cost to special wine permittees who shall account to the department for the use of all such stamps received by them

Section 9 All stamps shall be affixed in such manner that their removal will require continued application of steam or water

Section 10 For the purpose of verifying the stamp requirements it shall be the duty of every manufacturer and special wine permittee on or before the tenth day of the succeeding month to transmit to the department on forms supplied by the department a report under oath or affirmation of wines prepared for market or withdrawn from bond or which were imported and came to rest or storage at his place of business in this Commonwealth during the preceding month Such report shall show the quantity and the percentage of alcoholic content of all such wine prepared for market withdrawn from bond or imported during the period for which it is made and such further information as the department shall prescribe Each manufacturer and special wine permittee shall maintain and keep for a period of two (2) years such record or records of wines manufactured withdrawn from bond or imported together with invoices bills of lading and other pertinent papers as may be required by the department

Section 11 The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records and the stock of wines in and upon any premises where the same are placed stored or sold to verify the payment of or liability for the tax imposed by this act Any person in possession of such wines is hereby directed and required to give the Secretary of Revenue or his duly authorized representative the means facilities and opportunities for such examination

Section 12 Producers or other vendors of wines from without this Commonwealth may purchase stamps from the department and affix them in the manner prescribed by the department to original containers of wines to be sold in this Commonwealth in which case the recepient of such wines within this Commonwealth shall not be required to purchase and affix stamps thereon

Section 13 In case any wines upon which stamps have been placed by a manufacturer or special wine permittee have been sold and shipped by him to a licensed or regular dealer in such wines in another state such manufacturer or special wine permittee in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commonwealth shall make affidavit that the wines were so sold and shipped and that he shall furnish from the purchaser an affidavit that he has received such wines for sale or consumption outside the Commonwealth and the amount of stamps thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps of sufficient value to cover the refund

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department

Section 14 The Department may promulgate rules and regulations to relieve manufacturers or special wine permittees from affixing the stamps on such goods as are sold and shipped to points outside this Commonwealth

Section 15 It shall be unlawful for any retail dealer consumer or other person to accept delivery of taxable wines in containers upon which stamps do not appear and upon conviction thereof in a summary proceeding before a magistrate alderman or justice of the peace he shall be fined ten dollars ($10.00) and in default of payment thereof shall undergo imprisonment for not more than five (5) days

Section 16 Any person who shall fail neglect or refuse to comply with or shall violate any provision of this act for which violation no specific penalty is provided or any of the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of wines in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the manufacture or sale of wines taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

Section 17 Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently

made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 18 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 19 All taxes fines penalties and interest received collected or accruing under the provisions of this act shall be paid into the general fund of the State Treasury by and through the department

Section 20 No taxes shall be imposed or collected under the provisions of this act upon such wines as are sold to or sold or used by the Commonwealth or are sold to the United States of any governmental agency thereof or for the use of any university or college of learning any laboratory for use exclusively in scientific research or any hospital sanatorium or eleemosynary dispensary

Section 21 No tax shall be imposed under the provisions of this act upon any wine for to or by the holder of a sacramental wine permit or for or to pharmacists duly licensed and registered under the laws of this Commonwealth or manufacturing pharmacists or chemists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes

Section 22 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 23 The act approved the fifth day of December one thousand nine hundred and thirty-three (P. L. 38 1933-34) entitled "An act imposing State taxes payable by those herein defined as manufacturers and importers on the privilege of manufacturing selling or using in this Commonwealth alcohol usable for beverage purposes and certain spirituous and vinous liquors providing for the collection of the taxes and the manner of making payment thereof conferring powers and imposing duties on certain State officers and departments and upon manufacturers importers and upon those using or engaging in the sale of such alcohol and such spirituous and vinous liquors authorizing refunds or exemptions in certain cases and making an appropriation therefor and providing penalties" and its amendments are hereby repealed in so far as they relate to the taxation of wines Provided That such repeal shall not be construed to relieve any person association or corporation whatsoever from the payment of any taxes penalties or interest due or owing to the Commonwealth under the acts hereby repealed or to affect or terminate any petitions investigations prosecutions or other proceedings pending thereunder or to prevent the commencement of any prosecutions for violations of such act heretofore committed on the commencement of any proceedings for the recovery of such taxes penalties or interest And provided That no wines upon which the tax imposed by said acts prior to the effective date of this act shall be subject to the tax imposed by this act

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 22 The provisions of this act shall become effective ten days after its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2962 (Senate Bill No. 34), entitled

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances return benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school service prior to the establishment of the retirement system

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2989 (Senate Bill No. 1538), entitled

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2966 (Senate Bill No. 899), entitled

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 625) enitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2968 (Senate Bill No. 1163), entitled

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

And said bill having been real at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the Motion?

Mr. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Witkin.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Witkin, permit himself to be interrogated?

Mr. WITKIN. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Philadelphia the purpose of the motion that he has just made.

Mr. WITKIN. Mr. Speaker, I have been requested by certain persons to place this bill upon the postponed calendar with a view of offering amendments to it, if the study of the bill so indicates.

Mr. COHEN. Mr. Speaker, is the gentleman from Philadelphia prepared to designate what particular sections of the bill they find objection to.

Mr. WITKIN. Mr. Speaker, I cannot, but I will on Monday night. I permitted the bill to pass second reading before I made the motion, so if I am not prepared to offer amendments, the bill can be passed finally without any undue delay.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2965 (Senate Bill No. 889), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2931 (Senate Bill No. 954), entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2982 (Senate Bill No. 1458), entitled,

An Act to amend sections six and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by requiring reports of distributors to show the county within which liquid fuel are used or delivered and changing the method of apportioning the counties' share of such tax

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2954 (Senate Bill No. 1416), entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corpora-

tions defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. SOWERS, from the Committee on Ways and Means, reported as amended, House Bill No. 2073, (Senate Bill No. 139) entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed for purposes other than the operation of motor vehicles on the public highways of an air craft over this Commonwealth and providing penalties

Mr. BLUMBERG, from the Committee on Judiciary General, reported as amended, House Bill No. 2902 (Senate Bill No. 1128) entitled:

An Act to protect the owners of mortgaged property by restricting the right to proceed against certain property and persons and limiting the amount of deficiency judgments.

Mr. LaRUE, from the Committee on Fisheries, reported as committed, House Bill No. 2953 (Senate Bill No. 1354) entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits.

Mr. SOWERS, from the Committee on Judiciary General, reported as committed, House Bill No. 2940 (Senate Bill No. 1426) entitled:

An Act prohibiting others than members of the Bar to practice law and providing penalties.

Mr. O'KEEFE, from the Committee on Counties, reported as committed, House Bill No. 2921 (Senate Bill No. 1383) entitled:

An Act to classify certain surface lands as auxiliary forests reserves to prescribe the terms and conditions of their continuance in such classification or removal therefrom defining the duties of the Secretary of Forests and Waters of the county commissioners and of the county treasurer of the respective counties in connection therewith providing for the appointment of viewers and appraisers providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers and from the action of the Secretary of Forests and Waters providing for tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof providing for the ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom permitting the removal of certain trees from lands so classified by the owners thereof providing that lands so classified may be sold only subject thereto prescribing the method of assessment of such lands during their continuance in such classification making it a misdemeanor to cut fell and remove trees from lands so classified and defining the punishment therefor validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly and repealing all acts or parts of acts inconsistent herewith.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2953 (Senate Bill No. 1354), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2940 (Senate Bill No. 1426), entitled:

An Act prohibiting others than members of the Bar to practice law and providing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2921 (Senate Bill No. 1383), entitled:

An Act to classify certain surface lands as auxiliary forests reserves to prescribe the terms and conditions of their continuance in such classification or removal there-

from defining the duties of the Secretary of Forests and Waters of the county commissioners and of the county treasurer of the respective counties in connection therewith providing for the appointment of viewers and appraisers providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers and from the action of the Secretary of Forests and Waters providing for tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof providing for the ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom permitting the removal of certain trees from lands so classified by the owners thereof providing that lands so classified may be sold only subject thereto prescribing the method of assessment of such lands during their continuance in such classification making it a misdemeanor to cut fell and remove trees from lands so classified and defining the punishment therefor validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly and repealing all acts or parts of acts inconsistent herewith.

And said bill having been read at length the first time

Ordered, To be laid aside for second reading.

PERMISSSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. HETRICK asked and obtained permission of the House for the Committee on Counties to meet during the session of the House.

BILL ON SECOND READING

Mr. BAINE. Mr. Speaker, I desire to call up House Bill No. 2399, Printer's No. 1480, on page 14, of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2399, as follows:

An Act fixing a uniform fiscal year for counties borough towns townships and certain school and poor districts and providing such necessary tax tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter the fiscal year of each county except counties of the first class borough town township school district and poor district except school districts and poor districts coextensive in territory with or located wholly within counties of the first class shall begin on the first day of July of each year

Section 2 Every such political subdivision whose fiscal year prior to the effective date of this act began under existing law on any date other than July first and which prior to the effective date of this act had levied its taxes or is by existing law authorized to levy its taxes after the effective date of this act for the fiscal year one thousand nine hundred and thirty-five shall proceed to levy and collect such taxes according to existing law

Section 3 In the year one thousand nine hundred and thirty-six and each year thereafter each such political subdivision shall prepare its budget for the fiscal year herein fixed and levy its taxes for said fiscal year the due date of such taxes to be July first of each year

All taxes levied for the fiscal year from July first one thousand nine hundred and thirty-six to July first one thousand nine hundred and thirty-seven and every fiscal year thereafter shall be subject to a discount of five per centum if paid before the first day of September of the year of levy During September and October all such taxes shall be payable at face On the first day of November all such taxes shall become delinquent and a penalty of one per centum per month shall be added until the first day of May of the year following which penalty shall be collected in the same manner as the tax

From the first day of May of the year following the year of the levy interest at the rate of six per centum shall be added to the delinquent tax until the same is paid and such interest shall continue to run after the lands have been returned or after a lien for the tax has been filed in the office of the prothonotary No additional penalties or interest shall attach to said taxes under the tax return or tax lien laws of the Commonwealth

Any political subdivision may provide an instalment system for the payment of taxes in accordance with existing laws

Section 4 Every such political subdivision whose fiscal year prior to the effective date of this act began under existing law on any date other than July first shall have power to borrow on the credit of the county borough town township school district or poor district as the case may be money in anticipation of taxes to be collected to meet the running expenses of the political subdivision for the period from the end of the fiscal year one thousand nine hundred and thirty-five to the beginning of the next fiscal year as fixed herein on July first one thousand nine hundred and thirty-six

Such borrowing shall be only for the minimum amount which may be necessary in any such political subdivision to supplement the cash balance remaining at the end of the fiscal year one thousand nine hundred and thirty-five and needed to meet the cost of payrolls and other expenses which unavoidably fall due during the period from the end of the fiscal year one thousand nine hundred and thirty-five to July first one thousand nine hundred and thirty-six

Any sums of money borrowed for this purpose shall be borrowed on certificates of indebtedness payable on specified dates not exceeding one year from the date of issue Money for the repayment of such certificates of indebtedness may be secured if not otherwise obtainable from existing funds or by means of economies in operation by the levy of an additional tax at the time of levying the regular tax for general purposes for the fiscal year one thousand nine hundred and thirty-six This additional tax shall not exceed in the case of any political subdivision one-half the rate levied for general purposes for the fiscal year one thousand nine hundred and thirty-five

Any such additional tax shall be levied and collected in all respects and with like power and authority as is herein provided or otherwise established by existing law for the collection of the tax for general purposes in such political subdivisions for the fiscal year one thousand nine hundred and thirty-six

Section 5 As soon as may be after July first one thousand nine hundred and thirty-six the auditors of the various political subdivisions shall audit the accounts of the political subdivision for the preceding six months and such auditors and all controllers and directors required by law to make report of the financial affairs of such political subdivision shall make and file their reports in the manner now required by law for the making and filing of their annual financial and audit reports which reports shall be subject to appeal in the manner now provided by law for appeals from auditors' and controllers' reports Thereafter all such audits and financial reports shall be made for the fiscal year from July to July in the manner above provided and as may be provided by existing law

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

STATEMENT BY MR. COLEMAN

Mr. COLEMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, while this House has been in session we have had the privilege of meeting some very distinguished people, men who have made their mark in various fields of human endeavor, former Senators, former members of the House, and former Mayors, but none I feel more distinguished than the man whom I am about to ask the Speaker to introduce to you. He is a man who has the distinction of being the Republican Lieutenant-Governor of this Commonwealth from eighteen ninety-one until eighteen ninety-five, when the last Democratic administration of Governor Pattison was in power; a man who has been by his teaching and his preaching trying to create a better feeling of understanding among the people of the city of Scranton; a man who has won our love, compelled our respect and challenged our admiration; a man who served eight years in the Senate prior to being Lieutenant Governor, a humanitarian, a newspaper publisher.

I ask the Speaker to present to you former Lieutenant Governor, Colonel L. A. Watres, Scranton's model citizen.

The SPEAKER. The Chair requests the gentleman from Lackawanna, Mr. Coleman, to escort former Lieutenant-Governor, Col. Watres, to the desk.

The SPEAKER. Members of the House, it affords me the greatest pleasure to present to you former Lieutenant-Governor Watres of Scranton, Pennsylvania, who will briefly address you.

REMARKS BY HON. LOUIS ARTHUR WATRES

COLONEL WATRES. Mr. Speaker and ladies and gentlemen of the House, this real distinction and courtesy is to me a surprise. Nevertheless, I am very glad to face you, because you represent a real empire. I don't need to tell you anything about history. You know it as well as I, and you know that this empire of ours, Pennsylvania, is the only state in the great galaxy of states that was paid for. The other states were taken by force from their former residents, the Indians. Pennsylvania from that day to this has stood true to the principle of paying for everything she has.

I want to say to you that coming here is entirely a surprise. I want to say to you that I know some people here. I know your distinguished Chief Clerk; I know the members from Lackawanna County, and within my personal knowledge, I know that they really and truly represent the people who sent them here.

I am not going to take your time because I presume you want to do what I think you want to do, finish your business and go home, but may I say this. that as long as the sun shall rise over your eastern hills and shed the warmth of its rays upon this great people in Pennsylvania, Pennsylvania will continue to be the law-abiding, prosperous and the contented people they are.

The SPEAKER. The Chair wishes to thank the gentleman from Lackawanna for the kindly remarks he has made to us.

HOUSE BILL NO. 2514 MADE A SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 2514 Printer's No. 1395, entitled:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangers parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works to acquire hold and develop lands used or useful for or in connection with public buildings arsenals armories military reservations airports landing fields hospitals normal schools teacher's colleges and penal or other correctional institutions and other structures and facilities for public use or benefit authorizing said Authority to construct buildings or improvements on such lands and to reconstruct improve alter extend and maintain and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act

on page 42 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 1:00 o'clock P. M. today.

The motion was agreed to.

HOUSE BILL NO. 2831 MADE A SPECIAL ORDER

Mr. YOURISHIN. Mr. Speaker, I move that House Bill No. 2831 (Senate Bill No. 39), Printer's No. 643, entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes newspaper boys and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

on page 44 of today's calendar, bills on third reading be made a special order of business on third reading and final passage on Monday, June 17, 1935, at 4:00 P. M.

The motion was agreed to.

HOUSE BILL NO. 2928 MADE A SPECIAL ORDER

Mr. YOURISHIN. Mr. Speaker, I move that House Bill No. 2928 (Senate Bill No. 19), Printer's No. 640, entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall

under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

on page 48 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage on Monday, June 17, 1935, at 4:30 P. M.

The motion was agreed to.

RESOLUTION NO. 138

Mr. CLIFF PATTERSON asked and obtained unanimous consent to call up out of order Resolution No. 138, Printer's No. 1439.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 23, 1935.

Whereas The Federal Government in order to alleviate unemployment is developing various useful public works and

Whereas The newspapers throughout the State have brought to the attention of many thousands of its citizens and to the members of this Legislature a project advanced by the State Planning Board involving the construction of a highway upon the abandoned railway grade of the South Penn Railroad through the Allegheny Mountains between Harrisburg and Pittsburgh and

Whereas At the time construction was abandoned by the South Pennsylvania Railroad in 1885 nine tunnels through the mountains were approximately two-thirds completed and many miles of right of way were graded and

Whereas The completion of these tunnels and the construction of the intervening portions of highway would provide the general public with a highway free from excessive grades avoiding the dangerous storms upon the mountain tops and upon which it would appear that at no point the highway grade would be in excess of one hundred feet to the mile and

Whereas The completion of these tunnels and the construction of this highway would require approximately 32,000,000 man hours of labor and would furnish immediate employment to many unemployed men now upon the relief rolls of the State and

Whereas All the materials entering into the construction project will be produced by the industries of Pennsylvania and

It is estimated that the cost of completion and operation of the roadway and these highway tunnels may be defrayed within a reasonable period of time by a system of tolls to be charged for the use of the tunnels and

Whereas This South Penn Tunnel Highway would possess invaluable military value in time of war therefore be it

Resolved (if the Senate concur) That a committee of three members of the Senate and three Members of the House to be appointed by the President Pro Tempore and Speaker respectively and in connection with the State Highway Department the Federal Bureau of Public Roads and the State Planning Board and such other consultants as they choose to engage make an investigation of this project and

Resolved That said committee shall make a report to the Legislature as promptly as possible that they shall continue their investigations until a thorough study is completed

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE, HOUSE BILL NO. 2514

The SPEAKER. The Chair lays before the House the special order of business fixed for this time House Bill No. 2514, Printer's No. 1395, bill on third reading and final passage.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2514, as follows:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works to acquire hold and develop lands used or useful for or in connection with public buildings arsenals armories military reservations airports landing fields hospitals normal schools teachers' colleges and penal or other correctional institutions and other structures and facilities for public use or benefit authorizing said Authorty to construct buildings or improvements on such lands and to reconstruct improve alter extend and maintain and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Institutions Authority Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean the body politic and corporate created by this act

(b) The term "Department" shall mean the Department of Property and Supplies as the same exists under The Administrative Code of one thousand nine hundred and twenty-nine or as it may exist by amendment of said Code

(c) The term "project" shall mean any structure facility or undertaking which the Authority is authorized to construct improve maintain or operate under the provisions of this act

(d) The term "Board" shall mean the governing body of the Authority

(e) The term "person" shall mean and include natural persons firms associations corporations business trusts partnerships and public bodies

(f) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(g) The term "bonds" shall mean and include the notes bonds and other evidences of indebtedness or obligations which the Authority is authorized to issue pursuant to Section 4 (i) of this Act

(h) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(i) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

Section 3 General State Authority The Governor of the State the Secretary of Revenue the Secretary of Welfare the Secretary of Property and Supplies the Superintendent of Public Instruction and the Chairman of the Finance Committees of the Senate and House and their respective successors in office are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating public buildings arsenals armories military reserves airports landing fields hospitals normal schools teachers' colleges and penal or correctional institutions bridges tunnels streets highways traffic circles hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works and other structures or facilities for public use or benefit other than housing and water gas and electric supply projects (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual succession as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the Department any property real or personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth any project at any time constructed by the Authority and any property real personal or mixed tangible or untangible or any interest therein at any time acquired by the authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted it by this act or any other acts

Provided however That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 5 Purposes and Powers Bonds The bonds of the Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the Board and shall be of such series bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-anually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five per centum of the principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered nothwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupons or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth or any county or other political subdivision thereof) for such obligations or restricting the same all or any of

the revenues rentals or receipts of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of any project or projects and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the Authority including limitations upon the power of the Authority to modify any leases or other agreements pursuant to which any tolls rentals or other charges are payable (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisons of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

The Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any federal agency as security for such bonds and may assign and pledge all or any of the revenues rentals or receipts of the Authority thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (i) the construction improvement operation maintenance and repair of any project or projects and the duties of the Authority with reference thereto (ii) the application of funds and the safeguarding of funds on hand or on deposit (iii) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (iv) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the reciver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The Board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it and may be exercised and embodied The Board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the

county having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Grant of Lands by Department to Authority The Department shall have power and authority with the approval of the Governor to grant assign convey to the Authority with or without consideration any lands easements or rights in lands now owned by the Commonwealth of Pennsylvania or hereafter acquired by it needed or convenient for the corporate purposes of the Authority or to lease to the Authority for a term not exceeding ninety-nine years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands

Section 10 Acquisition of Lands The Department shall have power and authority with the approval of the Governor to acquire title in the name of the Commonwealth of Pennsylvania to any additional lands or interest in lands which may be required for the corporate purposes of the Authority and payment therefor shall be made by the Department The power hereby conferred upon the Department shall not limit or restrict the power of the Authority itself to acquire lands or interests in lands in the name of the Authority

Section 11 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The Authority may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any additional betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid the Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any federal agency that may assist in the financing of such project or any part thereof

Section 12 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act and such lands or interest in such lands may be so acquired whether or not the same are owned or held for public use by corporations associations or persons having the power of eminent domain or otherwise held or used for public purposes including land held for cemetery purposes The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by the Commonwealth

Section 13 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority provided however that the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit

Section 14 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth does further pledge to and agree with the United States and any other federal agency that in the event that any federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any such federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desireable for the carying out of the purposes of this act and for the purposes of the United States in the construction or improvement or enlargement of any project or such portion thereof

Section 15 Exemption from Taxation The effectuation of the authorized purposes of the Authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the Authority will be performing essential govermental functions in effectuating such purposes the bonds issued by the authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania

Section 16 Constitutional Construction The provisions of this act shall be severable and if any of the provisions thereof shall be held unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 17 Effective Date of Act This act shall take effect immediately

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,

Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 89, as follows:

An Act to prohibit discrimination on account of race creed or color in employment under contracts for public buildings or public works

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every contract for or on behalf of the Commonwealth of Pennsylvania or of any county city borough town township school district and poor district for the construction alteration or repair of any public building or public work shall contain provisions by which the contractor agrees

(a) That in the hiring of employes for the performance of work under this contract or any sub-contract hereunder no contractor sub-contractor nor any person acting on behalf of such contractor or sub-contractor shall by reason of race creed or color discriminate against any citizen of the Commonwealth of Pennsylvania who is qualified and available to perform the work to which the employment relates

(b) That no contractor sub-contractor nor any person on his behalf shall in any manner discriminate against or intimidate any employe hired for the performance of work under this contract on account of race creed or color

(c) that there may be deducted from the amount payable to the contractor under this contract a penalty of five dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract and

(d) That this contract may be cancelled or terminated by the Commonwealth or the city borough town township school district or poor district and all money due or to become due hereunder may be forfeited for a second or any subsequent violation of the terms or conditions of this portion of the contract

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1286, as follows:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the

examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for and conferring jurisdiction to enjoin violations of the act providing for the granting of licenses to widows Non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition terms and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

Section 10 (a) Any applicant or licensee whose license has been refused suspended or revoked by the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the Board The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the Board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to

[(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Marine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] [Estates] [of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period] [and under such rules and regulations as may be prescribed by the board] Provided that the Board may issue licenses and renew the same to estates for a period not exceeding three years or widows of deceased licensees as long as they remain unmarried when the business is carried on under the supervision of a licensed undertaker and under the regulations of the board

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy give or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any manner as one who is skilled in the knowledge science and practice of funeral directing embalming or undertaking or who advertises himself as an undertaker

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the illegal operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or available funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking and as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession and the board may require an embalming school training of apprentices in addition to other requirements

(b) It [may if the department approves] shall appoint an inspector or inspectors whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of] [Public Instruction] department Such inspector shall be empowered to serve all processes and papers of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection and for the investigation of complaints coming before the board and such other matters as the board may direct

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thou-

and nine hundred and forty-two at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration of the term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-six Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board for the purposes of this act the words "undertaker" and "funeral director" shall be deemed to be synbnymous

(e) The Board shall keep a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them Such register shall be open to public inspection The board may employ with the Attorney General's consent special counsel in addition to the Attorney-General The board shall not hereafter grant any new branch licenses and it may suspend or revoke inactive licenses of any individual or corporation

(f) The Board may grant to individual persons from other states who are duly licensed embalmers or funeral directors a license to operate as a funeral director in this Commonwealth under such terms and conditions as the Board may prescribe provided that similar privileges are accorded in those states to those originally licensed by this Commonwealth and provided that the standards for licensing in the said states shall be equivalent to those of this Commonwealth

(g) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent or Department of Public Instruction shall be performed by the Secretary or Department of Health The Secretary of Health shall be ex-officio a member of the board

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Froe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Meomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2053, as follows:

An Act to amend routes numbers six hundred thirty-nine and seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That routes numbers six hundred thirty-nine and seven hundred and sixty of section one of an act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth" as amended by act of Assembly approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred and ninety-eight) are hereby further amended to read as follows

Route 760 Beginning at a point [the Pittsburgh and Lake Erie Depot] in the village of West Pittsburgh Lawrence County thence southerly to Route 77

Route number six hundred thirty-nine Starting at the westerly end of the ramps connecting Ardmore Boulevard in Chalfant and North Braddock Boroughs with Route 120 in Alleghany County thence easterly through the Boroughs of Chalfant North Braddock East Pittsburgh Turtle Creek Wilmerding Pitcairn and Patton Township to a point on the dividing line between Allegheny and Westmoreland Counties in the Borough of Trafford thence in

an easterly direction by way of Harrison City and Jeannette to the City of Greensburg

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2205, as follows:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended requiring county superintendents to call meetings of public school teachers for the purpose of instruction the expenses thereof to be paid by the school district

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twelve of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred fifty-two) are hereby further amended to read as follows

Section 2101 Each county superintendent [is hereby authorized to] shall call the teachers of the public schools under his jurisdiction to assemble for two days or their equivalent each year at such [times] time and [places] place as he may deem most convenient for the purpose of receiving instruction in the science and art of teaching each superintendent may also invite members of the teaching and supervisory staffs of the other districts and of institutions of learning within the county to attend such meeting or meetings

Section 2102 Each county superintendent [who shall call a meeting of the teachers under his jurisdiction] shall exercise general management over such assembly shall secure the necessary speakers and shall incur the necessary expenses [such expenses for all such meetings in any one school year shall not exceed the amount of two hundred dollars ($200.00)]

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,

Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2015, as follows:

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and appurtenances thereto and to sell water both within and without their corporate limits conferring the power of eminent domain to acquire property for such purposes providing for the election of a board of directors to operate and manage such works and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city borough or town within the State is hereby authorized and given power to construct acquire own operate and control its own water-works and to add to and maintain lands easements rights-of-way pipe lines franchises and distribution system to enable it to use purchase sell and dispose of water inside its corporate limits and also outside its corporate limits but only within a distance of ten miles of such corporate limits and only if the consent of the corporate authorities of the political subdivision in which such service is to be rendered has first been secured and with the consent of the owner thereof to connect its water-works with any other system or works

Section 2 Any city borough or town within the State now or hereafter owning its own water-works shall have the right to sell and dispose of water to any other city borough or town or any governmental agency or municipal corporation mutual association or to any person partnership association or corporation inside or outside its corporate limits but not exceeding a distance of ten miles from such corporate limits

Section 3 Any city borough or town is hereby authorized to exercise the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such city borough or town Provided however That no city borough or town shall acquire by condemnation any publicly or privately owned water-works and the appurtenances thereto located within its limits except with the approval of a majority of the qualified voters of the city borough or town acquiring such works and where such works are located in some other city borough town or township also with the approval of the qualified voters of that city borough town or township in which the property to be acquired is located nor shall any city borough or town acquire by condemnation the water-works or any parts thereof belonging to or owned or operated by any municipal corporation mutual nonprofit or cooperative association or organization or a public utility district No private corporation whose water-works are so acquired shall cease to operate the same until such works are turned over to the city borough or town for ownership management or control

Section 4. Whenever any city, borough or town shall construct or acquire water works under the provisions of this act, the same shall be managed and operated by a board of five directors who shall be elected at large in such city, borough or town on a non-party ballot. The first directors shall be elected at the first municipal election after any such water works have been acquired or the construction thereof commenced, when five directors shall be elected for terms of four years each, and quadriennially thereafter at the municipal election five directors shall be elected to take the place of those whose terms are about to expire. The terms of all directors shall begin on the first Monday of January following their election. Vacancies in the office of director shall be filled by the mayor or burgess of the city, borough or town for the unexpired term.

Section 5 Nomination of candidates may be made on petitions, the form of which shall be prescribed by the mayor or burgess of the city, borough or town. In order to secure a valid nomination, a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the city, borough or town at the last preceding municipal or general election. Such nomination petitions shall be filed with the mayor or burgess at least sixty days before the municipal election, at which such nominees consent to become candidates. If less than seven petitions, sufficiently signed, are filed with the mayor or burgess within the time herein specified, the mayor or burgess shall make additional nominations until the number of nominees is seven, and shall then certify such nominees, including all of those whose petitions are sufficiently signed, to the county commissioners at least fifty days before the municipal election.

Section 6. The county commissioners shall print the names of such nominees on separate official ballots without any party designation and shall furnish a sufficient number of such separate ballots to each election board in the city, borough or township for which nominated, so that one ballot can be furnished to each voter. Each person voting at the election at which such persons are candidates shall be entitled to vote for five of the candidates whose names appear on such ballot, and the five receiving the highest number of votes shall be elected. The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote.

The votes cast for such directors shall be counted by the respective election boards and returns thereof made to the prothonotary who shall lay such returns before the return board who shall compute the vote for the entire city, borough or town and certify the result to the mayor or burgess of the city, borough or town. Thereupon the mayor or burgess shall issue to the persons elected certificates showing their election.

Section 7. Each director of water works shall receive such salary as may be fixed by the council of the city, borough or town.

Section 8. As soon as the directors elected have qualified for office, they shall take charge of the water works and shall employ and dismiss at pleasure a superintendent and such clerks, laborers ,mechanics and workmen as may be deemed necessary for the economical and efficient administration of said works, and shall fix their compensation. The directors shall purchase such materials and supplies as may be required for keeping the works in good repair and have charge of all construction, repairs, enlargements and extensions of the works and shall conduct and manage the affairs and business connected with such works in accordance with law.

Section 9. The directors shall make and submit to the council annually a true financial statement. The directors shall also submit to the council full estimates of the costs, charges and expenses of any new work, enlargement, extension or alteration of the works, and no such work shall be prosecuted without the consent of council.

Section 10. The directors shall fix the rates for water

which shall be sufficient, but not in excess of those required to operate such works in an efficient manner, provide for the repair, replacement and extension thereof, pay the interest on any bonds issued, and provide for their retirement, and all other costs and expenses properly chargeable to the operation of such works.

Section 11 If any part of this act shall be adjudged to be invalid or unconstitutional such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole or any part thereof not adjudged invalid or unconstitutional It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional part not been included therein The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of cities boroughs or towns under other existing laws

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House I dislike very much to arise to oppose this bill by reason of the fact that the gentleman from Allegheny, Mr. Moran,, has made a very serious effort to amend the bill and put it in proper form. Unfortunately I had marked a bill with a number of questions that arose in my mind as I read it yesterday, after it had been amended, but I cannot find my copy.

Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Moran.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. MORAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Moran, whether there is any provision in this bill that the Public Service Commission shall pass upon the acquisition by condemnation proceedings of any water company or any water lines outside of the municipality that owns the original works.

Mr. MORAN. There is not, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand this bill, am I correct that it provides that any municipality that has a water works may acquire by condemnation proceedings other water works or lines within a range of ten miles of those outside of the municipality?

Mr. MORAN. Mr. Speaker, in answer to the gentleman from Delaware, Mr. Turner, I would say that this cannot be done without a majority vote in that particular district of the qualified voters.

Mr. TURNER. Mr. Speaker and members of the House, there are two or three very serious objections to this bill as it stands. I again want to repeat what I said on an earlier occasion a few weeks ago in the House, that I am not opposed to municipally owned water works. That is in the law now. Municipalities may establish water works.

When this bill was originally before the House, you will recall it provided that municipalities could go outside of their limits and enter into business. One of my objections at that time was in the going without the limits of the municipalities. They were entering into business and into competition with privately owned industry, and it was placing a burden perhaps upon the taxpayers in the municipalities that had the water works, by reason of the fact that they were entering into a technical business. So long as the water works are operated within the municipality, and that burden alone falls upon the taxpayers in that particular municipality, it seems to me that is a matter of home rule. But when you seek to go outside and to enter into competition or enter into the business of delivering water in an area of ten miles outside of the municipality, figuring that on the basis of things as they exist in my own county, I believe that there is a danger that the taxpayers in the municipality that enters into the water business might have a very serious bill to pay.

I think this bill is objectionable in the manner in which it is at present drawn. In the first place, if a municipalty is to have the right to go anywhere in an area of ten miles outside of the municipality, and by condemnation proceedings, acquire water works or supply water, there certainly should be a protection to the rate payers who are already buying water from a privately owned corporation or utility, by having that acquisition passed upon first by the Public Service Commission.

Let my try to illustrate that to you. I live just outside the borough of Media in the county of Delaware. The borough of Media has a municipally owned plant. Water is supplied in most of the municipalities of Delaware County, outside of the city of Chester and the Borough of Media, by the Philadelphia Suburban Water Company. Within a radius of ten miles of Media could be taken in the populous sections of Swarthmore, the populous sections of Nether Providence Township, the township in which my distinguished colleague, Mr. Sproul, lives; the section that is almost contiguous to the city of Chester, and many other places where by reason of the density of population it is profitable to supply water and it can be supplied from the plant in Media. But what of the people who live in the areas where the Philadelphia Suburban Water Company, having been deprived by this proceeding of those densely populated areas would have to supply it to the large suburban and rural areas of Delaware County, to which it now serves.

I might illustrate the point by saying this: In the city of Philadelphia, where you have great rows of houses, built with sixteen, eighteen, and twenty feet frontage, you get a tremendous number of users along your lines, so that the water can be supplied at a lower rate, because naturally you do not have the investment in building your water lines, where you have those fourteen, sixteen, eighteen, and twenty foot frontages. You are getting a greater return.

Why can we buy a Ford car or a Chevrolet car at such a low cost? It is by reason of the large production that cuts down the cost of the overhead on each machine? The same must be applied to anything that a utility sells. So, if the municipally owned plant can by condemnation proceedings go within that ten mile area it could very readily come in and condemn those parts that are profitable and leave out the unprofitable parts, and the rate-payers in the unprofitable part would have to bear the burden under the law. Therefore, a bill of this kind ought not to be passed if it does not provide that the Public Service Commission shall pass upon the question, so that the other rate-payers who have to buy their water from the privately owned plant shall have an opportunity to be heard and that all the cream can not be skimmed away by the municipally owned plant. Therefore, that is a very vital objection to this bill. I am very sorry that the gentleman from Allegheny in his efforts to amend did not take that into consideration.

There are two or three, as I said, other objections to the bill, but the one that comes to my mind,—I haven't my marked bill here,—the one that comes to my mind is the

fact that under section four it provides for the election of a board of directors at the municipal election following acquisition of the water plant, but there is no provision in the bill as to who is going to operate the plant from the time it is condemned and the time you have an election. In other words, a municipality might start out on a condemnation proceeding and that proceeding might drag through the courts and might last a year and a half or two years and then all of a sudden come to an end and the municipality would have to conduct the water plant, —but it doesn't say in the bill who is empowered to conduct it. The municipal election might be a year away and you can not get a board of directors elected until the next municipal election.

Therefore, I would ask that if this bill is now to be presented to the House that you vote "no" because of these defects in this bill.

Mr. MORAN. Mr. Speaker and members of the House, Mr. Turner gave a very good illustration of how you could buy for less. Some of the big department stores advertise, "We buy more, therefore we sell for less."

This bill does not tell you how to sell automobiles, but I think it is very explicit in the language that is used in the bill. I think it tells just how this water works will be operated. It also explains that a board of directors will be elected to direct this water works, and also that you cannot have a water works unless the majority of the people in the particular city, town or borough want that water works, and no city, borough or town puts up a water works before they have somebody to direct it. In other words, they lay the foundation first.

I think this bill, if the members of the House have read it, explains itself very thoroughly all the way through. I amended this bill to try to meet the objections raised to it, and I have talked to several members of the House and they think that we have made a pretty fair job of it. I ask the members of the House to vote "aye" on this measure.

Mr. TURNER. Mr. Speaker and members of the House, I have found the third objection that I have had to this bill. On page two, under section three, it provides: "Provided, however, that no city, borough or town shall acquire by condemnation any publicly or privately owned water works and the appurtenances thereto located within its limits except with the approval of a majority of the qualified voters of the city, borough or town acquiring such works." In other words, within that municipality they cannot a privately owned plant and acquire it without the consent of the majority of the voters thereto. But it also says: "And where such works are located in some other ctiy, borough, town or township." That is clear. It provides, first of all, if a municipality wants to acquire a water works within its own municipality by condemnation proceedings, it can only do so by a vote of the people. Second, if it wants to acquire a works,—if the people in "A" borough want to acquire a water works in "B" borough, it can only do so by the consent of the voters in "B" borough.

On page 3, line 5, it goes on to say: "Nor shall any city borough or town acquire by condemnation a water works or any part thereof belonging to or owned or operated by any municipal corporation mutual non-profit or cooperative association or organization or a public utility district."

That is clearly contradictory. In one place it says that it can acquire it by condemnation proceedings by a vote of the people, and then further down in the same section it says they cannot acquire it.

Mr. KANE. Mr. Speaker and members of the House, I merely want to say this, on behalf of the sponsor of the bill, as one of those who wished to correct some of the things that I felt were bad in the bill, that he extended to me every courtesy that could be imagined to make such corrections, and I made a great many changes in the bill, but I have no doubt that some defects do still exist that may be corrected in the Senate.

While I have not been an advocate of this bill I do wish to say that the gentleman from Allegheny, Mr. Moran, has offered every courtesy and opportunity for amendments which any members wished to make to this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. MORAN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—81

Achterman,	Fitch,	Male,	Sarraf,
Arnold,	Haberlen,	McCreary,	Scanlon,
Baine,	Hagerty,	McDermott,	Shaw,
Baker, J. J.,	Haluska,	McElroy,	Shepard,
Boose,	Hamilton, F. P.,	Melchiorre,	Siegel,
Bradley,	Harkins,	Mentzer,	Sinwell,
Brown, H. S.,	Hartman,	Moomaw,	Smith, J. A.,
Brown, J. E.,	Hindman,	Mooney,	Stank,
Brownfield,	Holland,	Moran,	Stevens,
Brumbaugh,	Holstrom,	Moul,	Sumney,
Burke,	Hoopes,	Murrin,	Tronzo,
Cannon,	Kane,	Nagel,	Tumelty,
Chervenak,	Kilroy,	O'Keefe,	VanAllsburg,
Cochran,	Kinney,	Ominsky,	Van Sickle,
Coolahan,	Klingler,	Patterson, J. W.,	Walker,
Decker,	Kobelak,	Pfaff,	Weiss,
Dent,	LaRue,	Piole,	Welsh,
Downey, G. E.,	Long,	Powers,	Westrick,
Eberharter,	Lovett,	Reising,	Yourishin,
Eroe,	Lynch,	Robinson,	Sarig,
Finnerty,			

NAYS—53

Altenburg,	Hefferon,	O'Neill,	Stewart,
Baker, F. T.,	Hermansen,	Patterson, C.,	Stockham,
Baldi,	Hetrick,	Perry,	Stone,
Barnhardt,	Hoffner,	Peters,	Stott,
Blumberg,	Jackson,	Phillips,	Surface,
Coleman,	Linderman,	Rhys,	Tahl,
Conner,	Longaker,	Roan,	Trout,
Davies,	McHenry,	Schrock,	Turner,
Dilley,	McKinney,	Simpson,	Wall,
Downey, J. J.,	Merrell,	Snyder, F. E.,	White,
Duffort,	Moore,	Snyder, J. L.,	Winner,
Ferko,	Muir,	Spangler,	Witkin,
Gillette,	Munley,	Sproul,	Zimmerman,
Hart,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. GEORGE E. DOWNEY asked and obtained consent of the House for the Committee on Military Affairs to meet during the session of the House.

HOUSE BILL NO. 2068 MADE A SPECIAL ORDER

Mr. HOLLAND. Mr. Speaker, I move that House Bill No. 2068, Senate Bill No. 147, Printer's Bill No. 594:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

on page 47 of today's calendar, bills on third reading to be made a special order of business on third reading and final passage at 2.00 P. M. today.

The motion was agreed to.

HOUSE BILL NO. 932 MADE A SPECIAL ORDER

Mr. ANDREWS. Mr. Speaker, I move that House Bill No. 932, Printer's No. 1382, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city county commissioners and election officers

on page 23 of today's calendar, bills on final passage be made a special order of business on final passage on Monday, June 17, 1935, at 9.30 P. M.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2108, as follows:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and regulating methods of making appropriations expenditures contracts methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the county commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred forty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 345 Report to Common Pleas Publication Financial Report to Department of Internal Affairs He shall in the month of January in every year make a report verified by oath or affirmation to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year in detail and classified as required in the preceding section of this act together with a full statement of the financial conditions of the county Such report shall thereupon be published one time in such newspapers published in said county as the controller may direct the aggregate cost of which shall not exceed one thousand five hundred dollars in any one year to be paid for out of the county treasury Such report may also be published in printed pamphlets at the cost of the county The number and cost of such pamphlets to be determined by the controller and the county commissioners

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the county in manner and form required to be made by the auditors of the county under the provisions of section three hundred sixty-four of this act and subject to the penalties provided in said section for refusing or neglecting to make said report

Section 2 That sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of said act are hereby amended to read as follows

Section 346 [Estimates of Expenditures Tax Levies] Preparation of Annual Budget On or before the first day of February of each year and at least thirty days prior to the adoption of the annual budget the controller shall [communicate] transmit to the commissioners [in writing] a proposal budget giving a detailed estimate of and for the legitimate purposes of the county for the current year including interest due and to fall due on all lawful debts of the county bearing interest Such [estimate] budget when finally adopted by the commissioners shall be [a] the guide to the commissioners in fixing the tax rate [but shall in no wise limit the power of the commissioners in this respect] Said budget shall be prepared as provided in section three hundred seventy of this act

The commissioners shall [on or before the fifteenth day of February thereafter] at the same time the budget is adopted fix such rate of taxation upon the valuation of the property [of the] taxable for county purposes as will raise sufficient sum to meet the said expenditures The commissioners shall not by contract or otherwise increase the expenditures of the county in any year to an amount beyond the taxes assessed as aforesaid for said year

Section 361 [Estimates of Epenses and Tax Levies] Preparation of Annual Budget The commissioners of every county where the office of controller has not been established shall at their first meeting after the general election in every year [proceed to make] and at least thirty days prior to the adoption of the budget prepare a proposed budget giving an estimate of the probable expense of the county for the ensuing year Said budget shall be prepared as provided in section three hundred seventy of this act When the returns of the assessors have been made and rectified the commissioners shall fix [such] the rate of taxation upon the adjusted valuation of the property [of the] taxable for county purposes as will be necessary to meet such expences

Section 364 Publication and Filing of Reports of Auditors The county auditors shall publish the reports required of them to be made and filed in the court of common pleas Said auditors' reports shall be prepared and placed in the printer's hands for publication within ten days after being filed in the court of common pleas and shall be published once a week for three successive weeks in at least two newspapers of the respective county one of which papers shall be politically of a minority party The expense of the publication of said reports shall be paid by the county

The county auditors shall also annually make a report of the financial condition of the county to the Department of Internal Affairs signed by all of the auditors and duly verified by the oath of one of the auditors The report shall be presented on a form furnished as provided in section three hundred seventy point one of this act and shall be filed within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of

Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 3 That said act is hereby amended by adding thereto the following sections

Section 370 Annual Budget Control of Expenditures The controller or the county commissioners where there is no controller shall annually prepare a proposed budget for the next fiscal year at least thirty days prior to the adoption of the budget Said budget shall be prepared on forms furnished as provided in section three hundred seventy point one of this act Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days public notice The proposed budget shall be published or otherto the date set for the adoption of the budget The county commissioners shall after making such revisions and changes therein as appear advisable adopt the budget and necessary appropriation measures required to put it into effect

Within fifteen days after the adoption of the budget the county commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The county commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the county commissioners which will cause the sums appropriated to be exceeded

Section 370.1 Committee to Prepare Uniform Forms The budget and report forms specified in foregoing sections of this act shall be prepared by a committee consisting of three representatives from the Pennsylvania State Association of County Commissioners three representatives from the Pennsylvania State Association of County Controllers and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of each said organization within sixty day after the effective date of this Act In the case of representatives of the county commissioners one shall be appointed from a county of either the third or four class one from a county of either the fifth or sixth class and one from a county of either the seventh or eighth class The president of each said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the Committee The Committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the Committee shall give careful consideration to the differing legal requirements and needs of the counties of the several classes producing if necessary separate forms for certain classes of counties or groups of classes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said Committee Should said Committee for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the commissioners controller or auditors of each county

Section 4 The provisions of this Act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2104, as follows:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Af-

fairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 223 AUDIT OF ACCOUNTS FINANCIAL REPORT TO DEPARTMENT OF INTERNAL AFFAIRS The directors of the poor shall keep accurate accounts of all moneys received by them in any way for the purpose of this act as well as all paid out including such reasonable expenses as they may incur in carrying out their duties All accounts [under this act] in county unit districts shall be audited by the county controller or county auditors as the case may be In all other poor districts the accounts shall be audited by the auditors now provided for by law

The controller auditor or auditors authorized by law to audit the accounts of any poor district shall also annually make a report of the financial condition of the poor district to the Department of Internal Affairs signed and duly verified by oath The report shall be presented on a uniform form prepared and furnished as provided in section two hundred and twenty-seven of this act and it shall be filed within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 2 That said act is hereby amended by adding thereto section two hundred and twenty-six to read as follows

Section 226 BUDGET AND FINANCIAL REQUIREMENTS The directors of the poor in any poor district which is not co-extensive in territory with a county shall annually at least thirty days prior to the adopted of the annual budget prepare a proposed budget of the amount of funds that will be required by the poor district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in section two hundred and twenty-seven of this act and shall be apportioned to the several classes of expenditures of the district as the directors of the poor thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2000) until after at least ten day's public notice Provided however That nothing in this act shall be construed to prevent any poor district whose total estimated expenditures do not exceed two thousand dollars ($2,000) from holding a public hearing The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the directors shall file a copy of the same in the office of the Department of Internal Affairs

The directors shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payments of any moneys by the directors in any amount which will cause the sums appropriated to specific purposes to be exceeded

Section 3 That said act is hereby further amended by adding thereto section two hundred and twenty-seven to read as follows

Section 227 The forms for the annual report to the Department of Internal Affairs as required in section two hundred and twenty-three of this act and the forms for the annual budget as required in section two hundred and twenty-six shall be prepared by a committee consisting of three representatives from the Association of Directors of the Poor and Charities and Corrections one representative from the Department of Public Welfare and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the directors of the poor shall be appointed by the president of said organization within sixty days after the effective date of this act The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative from the Department of Welfare shall be appointed by the Secretary of Public Welfare

Such representatives of the directors of the poor shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In the preparation of uniform forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the directors of the poor

Section 4 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred and thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,

Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrum,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2871 (Senate Bill No. 1232), as follows:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) are hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

"Buyer" means the person who buys the goods covered by the conditional sale or any legal successor in interest of such person

"Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed

"Goods" means all chattels personal other than things in action and money and includes emblements industrial growing crops machinery and equipment attached or to be attached to real estate and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether such event is the performance of an act by the buyer or the happening of a contingency

"Person" includes an individual partnership corporation and any other association

"Purchase" includes mortgage and pledge

"Purchaser" includes mortgagee and pledgee

"Seller" means the person who sells the goods covered by the conditional sale or any legal successor in interest of such person

Section 7 Fixtures [First As against a subsequent purchaser subsequent mortgagee or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any goods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made or such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not assented to the reservation of property in the goods if any of the goods are so attached to the realty as not to be severable without material injury to the freehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a copy thereof unless such injury although material be such as can be completely repaired and the seller before retaking such goods furnishes or tenders to such owner prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto]

Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached or of any operating plant of which they may form a part but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any mortgagee encumbrancer owner purchaser or other persons having any interest in or liens against such real property or freehold until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for the county in which the said realty is situate Provided however if a owner or prior encumbrance of the said realty shall demand a bond to protect him against loss resulting from damage which may be caused to the land or to the physical structure of the buildings or other improvements to which such goods are attached by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said owner or prior encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage to the land or to the physical structure of the buildings or other improvements to which such goods are attached caused by the removal of the goods conditionally sold The provisions of section nine of this act shall not apply to any case in which the conditional sale contract shall be filed pursuant to the provisions of this section

"Prior" as used in this section refers to the time of attaching the goods to the realty

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2120, as follows:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making appropriations expenditures contracts and purchases by the city and its agents and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the director of accounts and finance and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1804 Regulations Concerning Appropriations No debt shall be created by any department of the city except in pursuance of previous authority of law ordinance or resolution No money shall be paid out of the city treasury except upon appropriation made according to law and on warrant drawn by the proper officer in pursuance thereof No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded In every case in which an appropriation shall be exhausted and the object of which is not completed the director of accounts and finance shall immediately report the fact to the city council and accompany such report with a statement of the moneys which have been drawn on such appropriatiin and the particular purpose for which they were drawn The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of a director of one of the Departments and only during the last nine months of the fiscal year

Section 1809 Annual Budget The director of accounts and finance shall at the first stated meeting in December in each year or at least thirty days prior to the adoption of the annual budget present to council a [detailed statement of] proposed budget showing the estimated receipts expenditures and liabilities of every kind for the ensuing year with the balance of unexpended appropriations and all other information of value as a basis for fixing the levy and tax rate for the next fiscal year Such budget shall be prepared on forms furnished as provided in section one thousand eight hundred twelve of this act

The several departments of the city government shall before the [first stated meeting in December present] budget is presented as above provided furnish to the council an estimate of the probable receipts and expenditures and of the amount required by each of said departments for the public service during the ensuing fiscal year as a basis for making the annual appropriations thereto

Final action shall not be taken on the proposed budget until after at least ten days public notice The budget when submitted by the director of accounts and finance to the council shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The council shall after making such changes and modifications therein as appear proper adopt the budget and any necessary appropriation measures required to put it into effect

Within fifteen days after the adoption of the budget the board of supervisors shall file file a copy of the same in the office of the Department of Internal Affairs

Section 1811 Annual Reports Publications Filing Report with Department of Internal Affairs Penalty The director of accounts and finance shall make a report verified by oath or affirmation to the council at the stated meeting in March in each year of the public accounts of the city and of the trusts in its care for the preceding fiscal year exhibiting all of the expenditures thereof respectively and the sources from which the revenue and funds are derived and in what measures the same have been disbursed Each account shall be accompanied by a statement in detail of the several appropriations made by council the amount drawn on each appropriation and the balance outstanding to the debit or credit of such appropriation at the close of the fiscal year

Such report accompanied by a statement of the present funded and floating indebtedness of the city and the date and maturity of the funded debt a schedule of its assets and the character and value thereof and the amount of taxable property therein shall be published once in not more than two newspapers printed and circulated in such city as required by section one hundred and nine of this act provided council may cause such statement to be printed in pamphlet form in addition to the publications made as aforesaid

The director of accounts and finance shall also annually make report of the financial condition of the city to the Department of Internal Affairs within sixty days after the close of the fiscal year signed and duly verified by the oath of the director Any director of accounts and finance refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each days' delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented in the form as provided in section one thousand eight hundred and twelve of this act

Section 2 That said act is hereby amended by adding thereto the following section

Section 1812 Committee to Prepare Uniform Forms The uniform budget and report forms specified in the foregoing sections of this act shall be prepared by a committee consisting of four representatives of the League of Third Class Cities of Pennsylvania and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act Such representatives shall be chosen from among finance officers of third class cities or other officers of such cities who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent cities in the various population groups within the range of cities of the third class The president of the League of Third Class Cities shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediatly upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of cities of the various population groups producing separate forms if necessary to the end that said forms shall not be inconsistent with the general administrative practices of the cities of various sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the designated officers of each city of the third class

Section 1904 Designation of Appropriations Certification in Excess of Appropriation Contracts for Governmental Services for More than One Year Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded and the estimated amount of the expenditure thereunder shall be charged against such item and so certified by the director of accounts and finance on the contract before it shall take effect as a contract The payments required by such contract shall be made from the fund appropriated therefor If the director of accounts and finance shall certify any contract in excess of the appropriation made therefor the city shall not be liable for such excess but the Director of accounts and finances shall be liable for the same which may be recovered in an action at law by the contracting party aggrieved But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

It shall be the duty of the director of accounts and finance to certify contracts for the payment of which sufficient appropriations have been made and he shall within ten days after any certification of a contract report back to the council in writing that he has or has not certified the same in accordance with the provisions of this section

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2207, as follows:

An Act to amend clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

IV Fire Protection To appropriate moneys to fire companies located therein to secure fire protection for the inhabitants of the township To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships or fire departments fire companies or fire company therein for the furnishing to such townships of fire protection by the fire department fire departments fire companies or fire company of such cities boroughs or townships and to make appropriations therefor Provided That such contracts before being entered into by township supervisors shall be the first approved by the township auditors

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. REISING. Mr. Speaker, I desire at this time to advise the House that the objectionable feature in this

bill have been removed by amendment, and I would therefore ask the members to support the bill,

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2107, as follows:

An Act to amend section five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred forty-seven eight hundred two nine hundred two and nine hundred three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Report with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as provided in section nine hundred and two A of this act To avoid unnecessary duplication in the preparation of reports this report shall include the information required in section five hundred eighteen of this act to be reported to the State Department of Highways and shall be in lieu of the report required to be furnished under said section

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

No materials shall be purchased and no contract made by the supervisors in any amount which will cause the sums set aside in the budget for such purposes to be exceeded

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the ensuing fiscal year beginning on the first Monday of January which shall be filed with the treasurer The budget shal be prepared on a uniform form prepared and

furnished as provided in section nine hundred and two A of this act [Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until after at least ten days public notice Provided however That nothing in this act shall be construed to prevent any township whose total estimated expenditures do not exceed two thousand dollars ($2,000) from holding a public hearing The proposed budget shall be published or otherwise made available for public inspection at the office of the township treasurer by all who interest themselves at least twenty days prior to the date set for the adoption of the budget The board of supervisors after making such revisions and changes in the budget as appear advisable shall adopt the budget and fix the tax rate for the ensuing fiscal year

Within fifteen days after the adoption of the budget the board of supervisors shall file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund to another except] road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Any such transfer shall be made only during the last nine months of the fiscal year

No work shall be hired to be done no purchases made and no order issued for the payment of any moneys by any agent of the township which will cause the sums appropriated to a specific purpose to be exceeded

Section 2 That said act is hereby amended by adding thereto the following section

Section 902 a The forms for the annual report to the Department of Internal Affairs as required in section five hundred forty-seven of this act and the forms for the annual budget as required in section nine hundred and two shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative from the State Department of Highways and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of Township Supervisors shall be appointed by the president of said organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The appointed by the Secretary of Highways

Said representatives of the townships shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The Committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as Chairman of the Committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of townships of the various population groups producing separate forms if necessary to meet the needs of townships of varying sizes In the preparation of forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Highways may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the proper township officers

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Klingler,	Rooney,	White,
Davies,	Kobelak,	Root,	Wickersham,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Lynch,	Schrope,	Zappala,
Downey, J. J.,	Male,	Schwab,	Zimmerman,
Duffort,		Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative,

Ordered, That the Clerk present the same to the Senate for concurrence.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1632, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1653, entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectable

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffo,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2959, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermot'	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2600, entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	McCreary,	Shepard,
Altenburg,	Ferko,	McDermott.	Shortz,
Andrews,	Finnerty,	McDevitt,	Shreiner,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	Van Allsburg,
Chervenak,	Holstrom,	Phillips,	Van Sickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort.	Lynch,	Schwab,	Zimmerman
Eberharter,	Male,	Schwartz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2271, entitled:

An Act making an appropriation to the Trustees of the Duquesne University Pittsburgh Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,

Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2952 (Senate Bill No. 1309), entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Fenko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILL INTRODUCED

Mr. WITKIN asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk as follows:

An Act making an appropriation to the Florence Crittenton Home, Germantown, Philadelphia, Pennsylvania.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2708, as follows:

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Auditor General the State Treasurer and the Secretary of Highways as the commission on the part of the Commonwealth of Pennsylvania acting in conjunction with a similar commission or an agency of the State of New York for the purpose of paying the Commonwealth's share of the cost of acquir-

ing the toll bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen under and in accordance with the provisions of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred eighty) entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New York of certain toll-bridges over the Delaware River and making an appropriation therefor" and the amendments thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffernach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanion,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2125 (Senate Bill No. 768), entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffernach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanion,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

APPROPRIATION BILL ON SECOND READING

Mr. MURRIN asked and obtained unanimous consent to call up out of order House Bill No. 2658, Printer's No. 1411, on page 5 of today's calendar, appropriation bill on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2658, entitled:

An Act to provide revenue for State and school purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on corporations incorporated associations and limited partnerships conferring powers and imposing duties on certain State officers and departments and on school districts imposing penalties and making an appropriation

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That Short Title This act shall be known and may be cited as the "Investment Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

The third section was read as follows:

Section 3 Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for State and school purposes at the rate of ten mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and account bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section twenty hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section twenty hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank that may be liable to a tax on its shares for State purposes under the laws of the Commonwealth or relieved from the payment of tax on its shares for State purposes by the laws of this Commonwealth and except shares of stock in any corporation or limited partnership that may be liable to a franchise tax or a tax on its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of a franchise tax or a tax on its capital stock for State purposes by the laws of this Commonwealth to the extent of such a proportionate part of their value as the capital stock of such corporation or limited partnership employed within this Commonwealth and liable to a tax on capital stock or used as the taxable value in computing a franchise tax for State purposes or which is relieved from the payment of a franchise tax or a tax on capital stock for State purposes bears to the total capital stock of such corporation or limited partnership all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all states omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies all annuities yielding annually over two hundred dollars ($200.00) Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individuals depositors in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate having agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said six mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said six mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a franchise tax or a tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State and county purposes and in cities coextensive with counties for State and city and county purposes shall be taxed or taxable for any local purpose under the laws of this Commonwealth

On the question,

Will the House agree to the section?

Mr. MURRIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 2, line 29, by striking out the word "ten" and insert in lieu thereof "seven"

Amend sec. 3, page 5, line 13, by striking out the word "six" and insert in lieu thereof "seven"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth to the twentieth section inclusive were separately read and agreed to as follows:

Section 4 Returns (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of

(1) All the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from such property at any time during the preceding calendar year

(3) The actual market sales value of such property as of the thirty-first day of December immediately preceding

(4) Such other information as may be required by the department concerning such property

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceding five hundred dollars ($500.00) or to under imprisonment not exceeding one (1) year either or both in the discretion of the court

Section 5 Listing Date The department shall on or before the first day of February one thousand nine hundred thirty-six and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and assessed The day so fixed shall be between the first and fifteenth days of the immediately preceding month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property if through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Original Assessment Notice The department shall originally assess the tax imposed by the third section of this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all property made taxable by the third section of this act or that such resident owned held or possessed no such taxable property it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the gross amount of taxable property returned with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 8 Additional Assessment Notice If any taxable resident shall fail to include in any return all of his property made taxable by the third section of this act the department shall make an additional assessment against such resident of the amount of such omitted property together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereto to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 Assessments Made at any Time within Five Years An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation nothwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 10 Petition for Reassessment Appeal (a) Any resident against whom any original assessment or additional assessment is made may petition to the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the amount becomes due and payable to wit within ten (10) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has

duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for assessment or if any resident against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 11 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest and penalties as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed to action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment of agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on th first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of very single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of he plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 12 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerk Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 13 Reports by Corporations All corporations and incorporated associations incorporated under the laws of this Commonwealth or doing business within this Commonwealth shall on or before the first day of February of each year file a report with the department giving the following information with respect to the shares of stock lands and other obligations of such corporation or incorporated association

(1) Names and addresses of the holders thereof

(2) Number of shares or face value of bonds or other obligations held by each and

(3) Par and market or book value of such stock bonds or other obligations

Section 14 Payment and Due Date All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within ten (10) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within ten (10) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within ten (10) days after the expiration of the

time within which a return may be made in such cases if no return is made and ten (10) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 15 Interest The tax imposed by the third section of this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 16 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as shall be a lien upon the franchises and property both real and personal of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 17 Credits for Overpayment The Board of Finance and Revenue may allow credit for any taxes imposed by the third section of this act and penalties and interest thereon alleged to have been paid as the result of an error of law or of fact or of both law and fact Claims for such credits shall be made in accordance with the provisions of The Fiscal Code relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 18 Penalties Costs (a) Any person copartnership association or corporation failing to make any return required by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or in the case of individuals members of copartnerships and the responsible officers of associations and corporations to undergo imprisonment not exceeding three months or both

(b) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(c) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section eleven of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section eleven of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(e) Every executor or administrator who fails to file the affidavit with the register of wills as required by section eleven of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(f) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 19 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examing the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Any information as to the property holdings of any specific resident gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The department shall publish a summary of all the personal property made taxable by section three of this act returned or otherwise assessed in each county in two newspapers of general circulation in such county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 20 Disposition and Use of Tax (a) School District Investment Tax Account Created All taxes interest fines forfeitures and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the State School Fund of the State Treasury and shall be credited to a ledger account to be known as the school district investment tax account

(b) Payments to School Districts On the first day of

August one thousand nine hundred thirty-six and annually thereafter the amount then standing to the credit of the school district investment tax account less two per cenum of such amount shall be paid by the Superintendent of Public Instruction as State-aid to the respective school districts of the Commonwealth which are qualified to receive the same under the provisions of this section for the purpose of reducing the respectiv tax assessments and levies of such districts against real estate within such districts Payments to each school district shall be based upon the proportion the population of the particular school district bears to the aggregate population of all the school districts For the purpose of this section the population of the school districts shall be ascertained by reference from time to time to the last preceding decennial United States census

(c) Requirements to be Met by School Districts to Receive State-aid Except as hereinafter provided in this article no school district shall be entitled to receive or shall be paid State-aid under the provisions of this section unless the board of education or board of school directors of the school district shall for the next school year commencing after the effective date of this act and each school year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the school year one thousand nine hundred and thirty-five or one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five as the case may be by an amount equal to the State-aid per estimated pupil to be received from revenues collected under the provisions of this act and payable to the school district during said school year Provided That no school district shall reduce its tax levy on real estate for any school year below that required to pay the interest and sinking fund charges on the funded debt of the school district

In order to enable taxing authorities of school districts to effect such reduction of taxes on real estate the Superintendent of Public Instruction shall certify annually to each school district at or before the time provided by law for the levying of school taxes estimates of the amount of State-aid each district will receive under this act during the school year for which it is about to levy taxes Such estimates shall be based on information furnished from time to time by the Department of Revenue

(d) Reports by School District The Superintendent of Public Instruction shall have power to require from time to time such reports and information from school districts as he shall deem necessary for the proper distribution of State-aid under the provisions of this section It shall be the duty of every school district to furnish such reports and information as the Superintendent of Public Instruction shall require and any school district failing to do so shall not be qualified to receive State-aid under this section until such reports or information is furnished to the Superintendent

(e) Board Created to Determine Dispute If any question shall arise under this section whether a school district in accordance with the spirit and intent of this act has either affected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program such question shall be decided by the Superintendent of Public Instruction The action of the Superintendent of Public Instruction on any question under this section shall be final

(f) Cost of Collection Two per centum of the amount to be distributed to school districts each year under the provisions of this section shall be transferred on or before the first day of August of each year from the school district investment tax account in the State School Fund to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the Department of Revenue and shall be available and is hereby appropriated for the same purpose for which such current biennial appropriation is available

(g) Appropriation The moneys from time to time in the State School Fund to the credit of the school district investment tax account except those that are refunded as provided in this act are hereby appropriated to the Department of Public Instruction for the purposes specified in this section

The twenty-first section was read as follows:

Section 21 Tax on Script Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all script bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of six miles on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or in which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution or trust company And provided further

That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individual depositors in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said six mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said six mills tax or any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all benecial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a franchise tax or a tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all script bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such script bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

On the question,

Will the House agree to the section?

Mr. MURRIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 21, page 25, line 29, by striking out the word "six and insert in lieu thereof "seven"

Amend sec. 21, page 28, line 10, by striking out the word "six and insert in lieu thereof "seven"

Amend Sec. 21, page 28, line 13, by striking out the word "six and insert in lieu thereof "seven"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-second, twenty-third and twenty-fourth and twenty-fifth sections and the title were separately read and agreed to as follows:

Section 22 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section twenty of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act

Section 23 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act Is is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 24 Acts of Assembly Repealed The act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and all amendments thereto is hereby repealed but the provisions of this act as far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments Nothing herein contained shall be construed as revising any act repealed by the act which this act repeals and nothing contained in this section shall be construed as relieving any person association or corporation from any taxes penalties and interest imposed for the year one thousand nine hundred thirty-five and prior years under the provisions of any act or parts of acts repealed by this act or to prevent the collection of such taxes penalties and interest due under such repealed acts in the manner provided in such acts

Section 25 Effective Date This act shall become effective on the first day of January one thousand nine hundred and thirty-six

An Act to provide revenue for State and school purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection and lien of the same and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations receiving deposits of money and on corporations, incorporated associations, and limited partnerships, conferring powers and imposing duties on certain State officers and departments, and on school districts; imposing penalties and making an appropriation.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Mr. SPANGLER asked and obtained unanimous consent to call up out of order House Bill No. 2953, Printer's No. 1496, on page 14 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2958, entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with

and to accept . . . nurse moneys received from the United States Government for assistance to the blind and providing penalties

The first second and third sections were separately and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be administered by the Department of Welfare of this Commonwealth and the Board of Trustees of the Mothers' Assistance Funds of the several counties who when acting under the provisions of this act shall be known as Boards of Trustees of Pension Fund for the Blind

In the event that any county shall not have a Board of Trustees of the Mothers' Assistance Fund because of the failure of such county to have accepted the provisions of the Mothers' Assistance Act the trustees of the Old Age Assistance Fund of the county if any shall have the duties and powers of and shall be the trustees for the Pension Fund for the Blind If there shall be neither a Board of Trustees of the Mothers' Assistance Fund nor a Board of Trustees of the Old Age Assistance Fund in the county the Governor shall appoint a board of trustees composed of seven residents of the county who shall be called a Board of Trustees of Pension Fund for the Blind If at any time thereafter a Board of Trustees of a Mothers' Assistance Fund shall be appointed for such county it shall immediately take over the work o fthe Board of Trustees of Pension Fund for the Blind and this act shall be administered as in other counties

Any trustees of the Pension Fund for the Blind appointed under the provisions of this section shall hold office for a term of six years or until a Board of Trustees of the Mothers' Assistance Fund has been appointed in their county

The Department of Welfare shall have the power and its duties shall be to set up rules and regulations for the administration of this act with the approval of the Welfare Commission

Section 2 Such supervisors and assistants as shall be necessary to exercise general supervision over the administration of this act shall be appointed by the Secretary of Welfare subject as in other cases to the approval by the Governor of the number and compensation of such supervisors and assistants

Section 3 The boards of trustees in the several counties shall appoint such additional investigators and clerical assistants as may be necessary to enable them to distribute pensions for the blind in their respective counties but as far as possible the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act At no time shall the additional expense of administering this act in any county exceed in amount six per centum of the allocation to such county from the appropriation for pensions for the blind

The fourth section was read as follows:

Section 4 Subject to the provisions and under the restrictions contained in this act every blind person who (a) has attained the age of twenty-one years or upwards (b) has three-sixtieth or ten-two hundredths or less normal vision (c) has resided in the Commonwealth for at least five years during the nine years immediately preceding his or her application for a pension and has resided therein continuously for one year immediately preceding the application and (e) is not at the date of making application an inmate of any prison jail insane asylum or any other public reform or correctional institution shall be entitled to receive from the Commonwealth a pension of thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dollars ($1200) a year

On the question,

Will the House agree to the section?

Mr. SPANGLER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 3, line 22, by striking out the words "is a citizen of the United States (d)"

Amend Sec. 4, page 3, line 27, by striking out the letter "(e)" and inserting in lieu thereof: "(d)"

Amend Sec. 4, page 4, by inserting between lines 11 and 12, the following paragraph: "No person shall be denied a pension because of the fact that he or she is not a citizen of the United States. In the event that any Act of Congress providing Federal aid towards pensions for the blind requires the recipients to be citizens, no such Federal aid moneys shall be expended in the payment of pensions to non-citizens, but such persons shall receive pensions out of moneys appropriated by this Commonwealth."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read as follows:

Section 5 (a) All applications for pensions under this act shall be made to the Board of Trustees of Pension Fund for the Blind of the county in which the applicant resides in such form as the Department of Welfare may prescribe No application shall be approved until the board of trustees is satisfied after proper investigation that the applicant is entitled thereto under the provisions of this act and particularly not until an ophthalmologist certificated by the American Board of Ophthalmic Examinations or an occulist duly licensed to practice in Pennsylvania and actively engaged in treatment of the human eye shall have certified in writing as to the diagnosis prognosis and visual acuity of the applicant Any individual whose claim for a pension is denied shall be given an opportunity for a fair hearing before the Department of Welfare

(b) Any blind person eligible to or a recipient of a pension for the blind provided for by existing law shall without further stipulation or qualification become eligible to the provisions of this act

(c) All applications for pensions shall be sworn to or affirmed by the applicant setting forth that all facts are true in every particular

On the question,

Will the House agree to the section?

Mr. SPANGLER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 5, page 5, line 2, by inserting after the word "act" the following: "and, if funds are available to provide for payment for the entire biennium, pensions shall be payable to additional applicants: Provided, That in any case where this act operates to qualify a previously rejected applicant, such applicant shall first be entitled to priority and reconsideration."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to

The sixth, seventh, eighth, ninth, tenth and eleventh sections were separately read and agreed to as follows:

Section 6 The Board of Trustees of Pension Fund for the Blind of a county may require any recipient of pension hereunder to submit to further examination of his eyes by a competent ophthalmologist or oculist at such reasonable times as the board of trustees or the Department of Welfare shall deem necessary unless an ophthalmologic report shows that the recipient is totally or irrevocably blind

Section 7 Before any payment is made to any person under the provisions of this act a complete report shall be made of all matters stated in the application giving the name of the beneficiary the financial condition of the beneficiary and all other matters which shall be from time to time required by the Department of Welfare All such reports shall be made upon forms supplied for the purpose by the Department of Welfare All such reports shall be made in triplicate One copy shall be retained by the local board of trustees one copy shall be forwarded to the Department of Welfare and one copy to the Auditor General All reports shall be sworn to by the investigator and shall be approved by a majority of the board of trustees

Section 8 If any person receiving a pension under this act shall refuse or neglect to comply with any reasonable request of a county board of trustees or of the Department of Welfare for information concerning the qualifications for such pension or who shall on request neglect or refuse to authorize any other person firm or corporation to furnish such information about the pension recipient or who shall refuse to submit to any examination required by this act the board of trustees may suspend all payments to such recipient until he shall have complied with such requirements

Section 9 If the condition or circumstances of any person receiving a pension under this act should change in such way that the person does not have all the qualifications required to obtain a pension hereunder pension payments to such person shall at once cease

Section 10 Any pension when granted shall commence as of the first day of the calendar month following that on which the application was received by the Board of Trustees of Pension Fund for the Blind

Section 11 (a) All payments under the provisions of this act shall be made monthly direct to the recipient thereof by warrant after requisition as provided by law Provided That the Department of Welfare may appoint a trustee to take charge of the expenditure of the pension granted any applicant when in its opinion such trustee is necessary In such case the payment shall be made direct to such trustee upon requisition of the department Such trustee shall serve without pay and shall be subject to the rules and regulations which the department shall prescribe

(b) It shall be lawful for the Department of Welfare at any time not less than thirty days after the death of the beneficiary to authorize the payment of any grants due to such deceased beneficiary to the wife children father or mother sister or brother (preference being given in the order named) of the deceased beneficiary as the board directs without requiring letters testamentary or of administration to be issued upon the estate of said deceased beneficiary

The twelfth section was read as follows:

Section 12 Pensions under this act and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature including any moneys contributed by the United States Government for this purpose Allocations of amounts available for pensions shall be made by the Department of Welfare among the several counties according to the number of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year Should the amount available for blind pensions for any biennium be not sufficient for the biennium then all the blind persons who are eligible under the provisions of this act shall receive the full amount of their pensions until the funds available have become exhausted

On the question,

Will the House agree to the section?

Mr. SPANGLER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 12, page 7, lines 21 to 26, by striking out the words "Should the amount" in line 21, and all of lines 22 to 26, both inclusive, and inserting in lieu thereof: "Pensions shall be payable to additional applicants only if funds are available to provide for payments for the entire biennium."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirteenth, to eighteenth sections (inclusive) and the title were separately read and agreed to as follows:

Section 13 The Department of Welfare is hereby empowered and authorized to cooperate and enter into cooperative agreements with and to receive contributions from the United States Government for financial assistance to the blind All contributions received hereunder from the United States Government shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriations to the Department of Welfare for the payment of pensions to the blind

Section 14 Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means obtains or attempts to obtain or aids or abets any person in obtaining a pension under this act to which he is not entitled shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonmnt not exceeding one year or both

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional such decision shall not affect the validity or any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 16 The act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-six) entitled "An act providing for and regulating subject to certain restriction limitations and liabilities pensions for certain blind persons and the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals and providing penalties" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 17 The members of the respective Boards of Pension for the Blind holding office upon the effective date of this act shall continue in office until the expiration of their terms for which they were appointed unless they are previously removed in the manner provided by law

Section 18 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing

the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILL ON SECOND READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 1121, Printer's No. 1494, on page 7 of today's calendar, appropriation bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1121 as follows:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for optometrical education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for the two fiscal years beginning thirty-five for the support and promotion of optometrical the first day of June one thousand nine hundred and education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2970, Printer's No. 1499, on page 16, of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2970 as follows:

An Act to amend the act approved the twenty-second day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three and one thousand nine hundred thirty-four Special Session Pamphlet Laws five) entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officers and departments and certain individuals firms and corporations and imposing penalties" by providing for an extension of time for payment in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-second day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three and one thousand nine hundred thirty-four Special Session Pamphlet Laws five) entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officers and departments and certain individuals firms and corporations and imposing penalties" as amended by the act approved the twenty-second day of December one thousand nine hundred thirty-three (one thousand nine hundred thirty-three and one thousand nine hundred thirty-four Special Session Pamphlet Laws ninety-four) be and the same is hereby further amended to read as follows

Section 5 Payment of Tax Interest The tax herein imposed shall be due and payable ninety days after the effective date of this act except that when any spirituous and vinous liquors are used or removed within a period of ninety days from the place wherein they are lodged or stored after the effective date of this act the tax thereon shall be due and payable at the time of the use or removal thereof Provided That upon written application by any person liable for the tax imposed by this act filed with the department the department may grant an extension of time for payment of such tax in whole or in part for a period not later than the [thirty-first day of December one thousand nine hundred and thirty-four] first day of June one thousand nine hundred and thirty-seven The tax or portion thereof in respect to which the extension is granted shall thereupon be due and payable upon the date of the expiration of the period of the extension The amount of all taxes imposed under the provisions of this act shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid The tax herein imposed upon spirituous and vinous liquors shall be paid into the State Treasury through the department by the owner of such spirituous and vinous liquors at the time the tax is due and payable as specified in this act and he shall be liable to the Commonwealth as a taxpayer for the payment of such tax

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the thirty-first day of December one thousand nine hundred and thirty-four

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

APPROPRIATION BILLS ON THIRD READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2897, Printer's No. 1501, on page 32, of today's calendar, appropriation bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2897, as follows:

An Act making appropriations to the Department of Welfare for the maintenance of certain homes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of six hundred thirty thousand one hundred dollars ($63,100) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five to be by it paid to the homes hereinafter designated in the amounts hereinafter specified for the purpose of th maintenance of such homes in the manner prescribed by law

Aged Colored Women's Home Williamsport ..	$ 2,000
Allegheny Temporary Home for Children	$ 4,500
Almira Home Association New Castle	$ 7,000
Baby Welfare Association Philadelphia	$ 3,000
Beacon Light Mission Bradford	$ 3,000
Beaver County Children's Home New Brighton	$ 7,500
Benevolent Home Association for Children Pottsville	$ 2,000

Berean Manual Training School	$22,000
Bethel Orphanage	$ 4,500
Boys Haven, Inc., Allentown	$ 500
Boys Industrial Home Oakdale	$13,000
Chester Day Nursery and Children's Boarding Home	$ 2,500
Children's Aid Society of Franklin County Chambersburg	$ 2,200
Children's Aid Society of Pennsylvania Philadelphia	$68,000
Children's Aid Society of Western Pennsylvania Pittsburgh	$28,000
Children's Home of Easton	$ 8,500
Children's Home of the City of York	$ 5,000
Children's Home of South Bethlehem	$ 4,500
Children's Home Society of Pennsylvania	$ 6,500
Children's Home Harrisburg	$11,000
Christian Home of Johnstown	$ 3,500
Coleman Industrial Home for Colored Boys Pittsburgh	$ 3,000
Colored Children's Bureau	$ 2,500
Colored Women's Relief Association of Western Pennsylvania Pittsburgh	$ 2,500
Curtis Home for Destitute Women and Children Pittsburgh	$ 5,500
Erie Home for the Friendless	$14,500
Erie Infant's Home and Hospital	$ 3,500
Florence Crittenton Circle Wilkes-Barre	$ 1,000
Florence Crittenton Home Erie	$ 1,500
Florence Crittenton Home Philadelphia	$ 2,000
Florence Crittenton Mission Williamsport	$ 1,000
Friends' Home for Children	$ 3,000
George Junior Republic Association Grove City	$ 8,200
Home for the Aged Philadelphia	$ 4,500
Home for Aged Couples Philadelphia	$ 2,000
Home for Aged of Westmoreland County	$ 1,100
Home for Aged and Infirm Women Easton	$ 5,500
Home for Aged and Infirm Colored Women Pittsburgh	$ 4,500
Home for Colored Children Pittsburgh	$ 3,900
Home for the Friendless Harrisburg	$ 6,500
Home for Friendless Children Lancaster	$ 7,500
Home for Friendless Children Reading	$ 3,400
Home for Friendless Williamsport	$10,500
Home for Friendless Women Scranton	$ 8,500
Home of Industry for Discharged Prisoners Phildelphia	$ 4,000
Home for Veterans of Grand Army of the Republic and Wives Philadelphia	$22,500
Home for Widows and Single Women Lebanon	$ 3,500
Home for Widows and Single Women Reading	$ 4,000
Industrial Home for Crippled Children Pittsburgh	$20,000
Ladies of Grand Army of the Republic Home Hawkins Station	$27,000
McKeesport Day Nursery McKeesport	$ 1,000
Margaret Henry Children's Home of New Castle	$ 1,000
Meadville Children's Aid Society and Home for Aged	$ 4,400
Milton Wright Memorial Home	$ 1,000
Nazarene Home for Aged Philadelphia	$ 5,000
New Future Association Sherman Avenue North Side Pittsburgh	$ 1,000
Northern Home for Friendless Children Philadelphia	$14,000
Northern Tier Home Harrison Valley	$4,500
Old Ladies Home Philadelphia	$12,000
Pennsylvania Memorial Home at Brookville	$13,200
Pennsylvania Association for Blind Pittsburgh	$30,000
Philadelphia Association for Protection of Colored Women	$ 5,000
Pennsylvania Home Teaching Society and Free Circulating Library for Blind Philadelphia	$16,000
Pennsylvania Seaman's Friend Society Philadelphia	$ 3,200
Pennsylvania Society to Protect Children from Cruelty Philadelphia	$ 5,000
Pennsylvania Working Home for the Blind Philadelphia	$45,500
Philadelphia Home for Infants	$ 5,000
Pittsburgh Home for Babies	$12,500
Pittsburgh and Allegheny Home for the Friendless	$12,000
Seaman's Church Institute of Philadelphia	$ 5,500
Tabor Home for Children Doylestown	$ 6,500
United Charities Home for Children Hazleton	$ 2,000
Union Home for Old Ladies West Philadelphia	$ 4,000
Westmoreland County Children's Aid Society Greensburg	$ 9,000
Western Temporary Home Philadelphia	$ 3,000
Workingmen's Home for Aged located at Warrington Bucks County	$ 1,500
York Blind Center	$ 1,500
York Society to Protect Children and Aged Persons	$ 7,500
Zoar Home for Mothers Babies and Convalescents of Allison Park Allegheny County	$ 2,500

Section 2 In addition to the appropriation made by section one of this act the sum of two hundred sixty-two thousand seven hundred ten dollars and twenty-nine cents ($262,710.29) or so much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five to be by it paid to the homes designated in section one of this act for the purpose of the maintenance of such homes in the manner prescribed by law (except as hereinafter otherwise provided) for obligations incurred for this purpose during the biennium ending May thirty-first one thousand nine hundred thirty-five

Of the sum herein appropriated so much thereof shall be payable to each respective home as represents the obligated balance of the maintenance appropriation made to such home by the General Assembly at its regular session of one thousand nine hundred thirty-three for the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which remained unexpended on May thirty-first one thousand nine hundred thirty-five because of insufficient revenues in the General Fund The amount payable to any home from this appropriation shall be determined by the Department of Welfare with the approval of the Governor

Any law to the contrary notwithstanding amounts payable to homes out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare hereunder shall be paid to any home therein named if such home is a denominational or sectarian institution or corporation or association

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,

Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg
Castor,	Holstrum,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE HOUSE BILL NO. 2068

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 2068, Senate Bill No. 147, Printer's No. 147, on page 47 of today's calendar.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2068 (Senate Bill No. 147), entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons creating and imposing duties upon the Board of Blind Pensions and providing penalties providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. COHEN. Mr. Speaker, I desire to interrogate the gentleman who asked to have this bill placed on special order.

The SPEAKER. Will the gentleman from Allegheny, Mr. Holland, permit himself to be interrogated?

Mr. HOLLAND. Mr. Speaker, I will.

Mr. COHEN. Mr. Speaker, will the gentleman explain the purpose of this bill to the membership of the House?

Mr. HOLLAND. Mr. Speaker, I am surprised that a member of this House would interrogate a blind man's pension bill, because after all is said and done, we who have eyes should certainly feel for the people who do not. I am surprised that any member of this House would get up to interrogate any man on a blind man's pension bill—

The SPEAKER. The gentleman must avoid personalities.

Mr. HOLLAND. Mr. Speaker, I am not engaging in personalities. I am telling what I think.

Mr. COHEN. Mr. Speaker, I might say, in view of the pressure of the last hour I have been unable to read this bill and I desire to have the purport explained to me, and I feel sure that other members of the House who also have not read it, desire an explanation.

MOTION TO POSTPONE

Mr. TURNER. Mr. Speaker, owing to the fact that we are trying to get through this calendar and that this is a very important bill, it seems to me that we ought to pass it over. This is a Senate bill. It is on third reading. It can be taken up on Monday, when we will have more time, when there will be an opportunity to discuss it properly.

I, therefore, move that it be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. HARKINS. This bill was prepared as a result of a conference with various members interested in it, and in the interest of the bill, as Chairman of the Committee which had it under consideration, I am agreeable to having it postponed as suggested by the gentleman from Delaware, Mr. Turner.

BILL MADE SPECIAL ORDER

Mr. WITKIN. Mr. Speaker, I move that this bill be made a special order of business for Monday, June 17th, at 5 o'clock P. M.

The motion was agreed to

BILLS INTRODUCED AND REFERRED

By Mr. FITCH. HOUSE BILL No. 3009.

A Joint Resolution creating a commission with power to provide for the temporary licensing of persons qualified to practice the profession of chiropractic; and providing that said commission shall report a draft of legislation to regulate and license the profession of chiropractic.

Referred to the Committee on Education.

By Mr. GATES. HOUSE BILL No. 3010.

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements and sports on Sunday; requiring persons, partnerships, associations or corporations conducting places of amusements and sports on Sunday to secure permits; imposing duties and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax and its payment into the State Treasury; permitting refunds of the tax in certain instances; and providing penalties.

Referred to the Committee on Ways and Means.

By Mr. WITKIN. HOUSE BILL No. 3011.

An Act making an appropriation to the Florence Crittenton Home, Germantown, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate, being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 896. (HOUSE BILL No. 3012).

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," by modifying the powers and duties of the Department of Banking; by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by providing for the creation of the Banking Board, the appointment of its members, the payment of its expenses, and defining its powers and duties.

Referred to the Committee on Banking.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Represenatives, as follows:

In the House of Representatives, June 13, 1935.

Resolved (if the Senate concur), That House Bill No. 1962, Printer's No. 1257, entitled "An act to amend Sections 1 and 2 as amended, Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled 'An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof' further regulating the business and work of plumbing and house drainage in cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto," which was recalled from the Governor June 11th for the purpose of amendment, be returned to the Governor without amendment.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 712.

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered and preserving the rights of certain other corporations

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, next to last line, by striking out after the word "registered" the words "and preserving the rights of certain other corporations."

Amend Section 1, page 3, line 1, by striking out after the word "operation" the following: "Provided however that the provisions of this act shall not be construed to effect the rights existing prior to the effective date hereof of any corporation heretofore incorporated under the laws of this Commonwealth or incorporated under the laws of any other State and heretofore authorized to conduct business within this Commonwealth."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumulty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,

Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dillev,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED—RESOLUTION NO. 160

The SPEAKER. Pursuant to Resolution No. 160, the Chair appoints the following committee: Messrs. John E. Brown, Hoopes and Conner.

BILL ON FINAL PASSAGE

Mr. STOCKHAM. Mr. Speaker, on page 24, bills on final passage, House Bill 2110, Printer's No. 1450, was passed over in its order. I will not rise to oppose this bill at this time and if it is desired to place it before the House for final passage, it may be done, and I will withdraw my request to pass it over in its order.

Mr. BARBER. Mr. Speaker, I desire to call up at this time House Bill No. 2110, Printer's No. 1450, on page 24 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2110 as follows,

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and six and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which were amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (P. L. 818) are hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investments of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interest of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To adopt an annual budget A proposed budget or annual estimate of revenues and expenditures shall be prepared at least thirty days prior to the adoption of the annual budget The budget shall be prepared on forms furnished as provided in section one thousand thirty-five

of this act Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2000) until after at least ten days' public notice Provided however That nothing in this act shall be construed to prevent any borough whose total estimated expenditures do not exceed two thousand dollars ($2000) from holding a public hearing The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The council after making such revision and changes therein as appears advisable shall adopt the budget and necessary appropriation measures required to put it into effect and at the same time fix the tax rate for the ensuing fiscal year

Within fifteen days after the adoption of the budget the council shall file a copy of the same with the Department of Internal Affairs

The council shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by any agent of the borough which will cause the sum appropriated to specific purposes to be exceeded But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof with valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation (which) and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

The auditors shall also annually make a report of the financial condition of the borough to the Department of Internal Affairs Such report shall be presented on a form prepared and furnished as hereafter provided It shall be signed by all of the auditors and shall be duly verified by the oath of one of the auditors and shall be filed with the department within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs All fines recovered shall be for the use of the Commonwealth

The uniform form for the annual budget as required in section one thousand and six of this act and the uniform form for the annual report to the Department of Internal Affairs as herein required shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that said forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the proper officers of each borough

Section 1062 Controller's Reports Report of Financial Condition to be made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each amount shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by the auditors of the borough under the provisions of section one thousand and thirty-five of this act and subject to the penalties provided in said section for refusing or neglecting to file said report

Section 2 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,

Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

COMMITTEE GRANTED PERMISSION TO MEET DURING SESSION

Mr. SIMON asked and obtained unanimous consent for the Committee on Banking to meet during the session of the House.

APPROPRIATION BILL ON SECOND READING

Mr. MENTZER asked and obtained unanimous consent to call up out of order House Bill No. 2961, Printer's No. 1500, on page 8, of today's calendar appropriation bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2961, as follows:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same and to make a general survey of the steel industry and making an appropriation

Whereas, The production sale and export of steel is a pioneer business of this State which grew up with and was largely responsible for the great development of the State and the foundation of its wealth and

Whereas, The steel industry together with its kindred businesses employs hundreds of thousands of men and women and sustains payrolls amounting to hundreds of millions of dollars in each year and

Whereas, The continued development of this great business is of most vital interest to the future of Pennsylvania and

Whereas, There has in recent years been a decided movement of steel plants away from this State to other localities therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a commission is hereby created to consist of seven persons two of whom shall be appointed by the Speaker of the House of Representatives two by the President pro tempore of the Senate and three by the Governor The commission shall select from its membership a chairman and shall elect a secretary who need not be a member of the commission It shall be the duty of the commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt such movement and to prevent further migration and to make a general survey and study of the steel industry of this Commonwealth

Section 2 The members of the commission shall not receive any compensation for their services but shall be reimbursed for all expenses incurred in the performance of their duties The commission shall have power to employ a secretary and such experts clerks and stenographers as may be deemed necessary

The commission shall make a report to the General Assembly not later than February first one thousand nine hundred and thirty-seven

Section 3 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the purpose of carrying out the provisions of this act and for the payment of expenses of the commission and the compensation and expenses of the secretary experts clerks and stenographers

Payments from said appropriation shall be made on requisition of the chairman of the commission by warrant of the Auditor General on the State Treasury

The commission shall be furnished the necessary stationery and office supplies and have all necessary printing done by the proper departments of the State upon requisition of the chairman of the commission

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Mr. HOLSTROM asked and obtained unanimous consent to call up out of order House Bill No. 2990, Printer's No. 1498, on page 15 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2990, as follows:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles and providing penalties

Whereas The Governor has announced the abolition of the present administrative system of issuing motor vehicle license plates to favored persons and that he will permit the issue of such plates only in the democratic way in the order of the receipt of applications and

Whereas It is deemed proper to permit and protect the placing of identifying marks on passenger cars owned by certain officers connected with the three coordinate branches of government and the Pennsylvania National Guard therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be lawful for any person being within the classes enumerated by this section and being the owner of any passenger motor vehicle to display on the front door one on each side of any such motor vehicle the coat-of-arms of the Commonwealth of Pennsylvania inside a circle not more than five inches in diameter

This section shall be construed to apply to (a) the Governor (b) the Lieutenant Governor (c) the head and deputy of every executive and administrative State department (d) every member of an independent administrative board and commission and the executive secretaries thereof (e) the Superintendent and Deputy Superintendent of the State Police (f) members and officers of the Senate and House of Representatives and of the legislative branch of government (g) judges of courts of record and (h) officers of the National Guard above the rank of major

Section 2 It shall be unlawful for any person other than persons coming within the classes enumerated in section one of this act to display the coat-of-arms of the Commonwealth of Pennsylvania on any motor vehicle whatever or for any person permitted by this act to display such coat-of-arms to display the same contrary to the provisions of section one of this act or after his or her term of office has expired Any person violating the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of ten dollars and in default of the payment of such fine and costs shall be imprisoned for a period of ten days Each day a motor vehicle is operated displaying the coat-of-arms of the Commonwealth contrary to the provisions of this act shall constitute a separate offense

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2220, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund," providing penalties; and repealing existing laws," by prescribing uniform policy provisions for industrial life insurance as herein defined.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2776, entitled:

An Act fixing the salaries of certain county officers in counties of the fourth class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—33

Arnold,	Decker,	Moul,	Schwab,
Baker, F. T.,	Hamilton, F. P.,	Murrin,	Siegel,
Barber,	Harkins,	Nagel,	Smith, J. A.,
Brown, J. E.,	Hindman,	Patterson, C.,	Stewart,
Brownfield,	Kelso,	Patterson, J. W.,	Van Allsburg,
Brumbaugh,	Kinney,	Reising,	Weiss,
Carson,	Klingler,	Robinson,	Westrick,
Chervenak,	McCreary,	Schrock,	Woodside,
Coakley,			

NAYS—78

Achterman,	Falkenstein,	McKinney,	Simpson,
Alexander,	Ferko,	Melchiorre,	Sinwell,
Allen,	Green,	Merrell,	Snyder, J. L.,
Baker, J. J.,	Habbyshaw,	Moore,	Sproul,
Baldi,	Hart,	Muir,	Stank,
Barnhardt,	Hermansen,	Munley,	Stevens,
Bernhard,	Hoffner,	Nothnagle,	Stockham,

Blumberg,	Holland,	Parks,	Surface,
Boose,	Holstrom,	Pfaff,	Trout,
Bradley,	Hoopes,	Phillips,	Turner,
Brancato,	Jackson,	Piole,	Van Sickle,
Brennan,	Kilroy,	Powers,	Walker,
Cochran,	Kobelak,	Reynolds,	Weidemann,
Cohen,	LaRue,	Rhys,	Welliver,
Coleman,	Linderman,	Ruffennach,	Welsh,
Conner,	Longaker,	Scanlon,	Winner,
Davies,	Lovett,	Schrope,	Witkin,
Dent,	McDermott,	Schwartz,	Yourishin,
Duffort,	McElroy,	Shepard,	Sarig,
Eberharter,	McHenry,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

CORPORATION BILL ON THIRD READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 1593, Printer's No. 1519, on page 31 of today's calendar, appropriation bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1593, as follows:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty million dollars ($40,000,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Welfare for expenditures during the biennium ending the thirty-first day of May one thousand nine hundred thirty-seven for Old Age Assistance in the manner provided by law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Male,	Schwartz,
Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	McCreary,	Shepard,
Altenburg,	Ferko,	McDermott,	Shortz,
Andrews,	Finnerty,	McDevitt,	Shreiner,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yourishin,
Downey, G. E.,	Longaker,	Schrock,	Zappala,
Downey, J. J.,	Lovett,	Schrope,	Zimmerman,
Duffort,	Lynch,	Schwab,	Sarig,

NAYS—1

Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILLS ONLY TO BE CONSIDERED

Mr. ACHTERMAN. Mr. Speaker, I move that for the balance of today's session the House consider only House Bills.

The motion was agreed to.

BILL ON THIRD READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2926, Printer's No. 1408, on page 49 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2926, entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud corruption or dishonesty or profit to such councilmen and where the borough is in possession of and uses such fire apparatus

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,

Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2581, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, during the biennium ending the thirty-first day of May, one thousand nine hundred thirty-five, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Mr. SCANLON, from the Committee on Military Affairs, reported as committed, House Bill No. 2918 (Senate Bill No. 1317), entitled:

An Act requiring authorities in charge of State State aid or county institutions offering treatment to menal patients to furnish certain information to the Department of Military Affairs.

Mr SCHWARTZ, from the Committee on Banking, reported as committed, House Bill No. 3012 (Senate Bill No. 896), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2581, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, during the biennium ending the thirty-first day of May, one thousand nine hundred thirty-five, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2918 (Senate Bill No. 1317), entitled:

An Act requiring authorities in charge of State State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3012 (Senate Bill No. 896), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. SHEPARD asked and obtained permission of the House for the Committee on Congressional Apportionment to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1687, entitled:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Wellivee,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 928, entitled:

An Act to amend section seven hundred twenty-two of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; exempting the Sons of Veterans Reserve from the payment of fees for registration and certificates of title of motor vehicles owned and used by them.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, J J.,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,

Brumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2510, entitled:

A Joint Resolution proposing an amendment to section one article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2665, entitled:

An Act to repeal the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred ninety-four) entitled "An act providing that estates in building ground books curios pictures statuary and other works of art passing by will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" as amended

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,

Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2635, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by changing the method of determining the value of the shares of stock of banks and savings institutions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2337, entitled:

An Act to amend sections two, four, five, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," changing certain requirements for incorporation; enlarging the scope of membership; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,

Carr,	Hohner,	Peters,	Turner,
Carson,	Holland,	Platt,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1561 as follows:

An Act to amend section one thousand two hundred and eight and repeal section one thousand two hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing when and how supervising principals principals and teachers as herein defined may be dismissed or refused re-election and conferring powers and imposing duties on officers of school districts and courts of common pleas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1208 (a) Any supervising principal (other than one acting as the chief administrative officer of a school district) principal or teacher employed in any school district may be dismissed at any time or may be refused re-election for the next ensuing term by the board of school directors as hereinafter provided on account of immorality incompetency intemperance cruelty to a pupil or pupils negligence attainment of superannuation age or for the violation of any of the provisions of this act if such violation is a misdemeanor [Provided That before any principal or teacher is dismissed he shall be given an opportunity to be heard after reasonable notice in writing of the charges made against him] The word teacher as used in this section shall be construed to include any dental hygienist nurse secretary or other employe of a school district who is duly certificated as a teacher

(b) Before any such supervising principal principal or teacher is dismissed or refused re-election by the board of school directors the secretary of the school district shall furnish such supervising principal principal or teacher with a detailed written statement of the charges upon which his or her dismissal or refusal of re-election is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such supervising principal principal or teacher will be given an opportunity to be heard either in person or by counsel or both at a public hearing before the board of school directors Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused supervising principal principal or teacher and his or her witnesses shall be recorder by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the board of school directors

(c) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the board of school directors shall by majority vote to be recorded by roll call determine whether or not such charges or complaints have been sustained and in accordance with such determination discharge refuse to re-elect or retain such supervising principal principal or teacher

(d) No member of any board of school directors shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the supervising principal principal or teacher involved or to any of the parties instituting the complaint

(e) A written notice of any decision of the board of school directors discharging or refusing to re-elect a supervising principal principal or teacher shall be sent by registered mail to such supervising principal principal or teacher at his or her last known address within ten (10) days after such hearing is actually concluded

(f) In case the supervising principal principal or teacher concerned considers him or herself aggrieved by the action of the board of school directors an appeal by petition setting forth the grounds for such appeal may be taken to the court of common pleas of the county wherein the school district concerned is situate Such appeal shall be filed within thirty (30) days or receipt by registered mail of the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing de novo by court which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition Upon the hearing de novo of said petition the court shall make whatever order it considers just either affirming or reversing the action of the board of school directors and stating plainly whether the supervising principal principal or teacher is to be discharged refused re-election or is to be retained The decision of the court of common shall be final and there shall be no further appeal

Section 2 Section one thousand two hundred and five of said act and the amendments thereto are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Male,	Shaw,
Alexander,	Eroe,	Mallen,	Shepard,
Allen,	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shreiner,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Aukerman,	Flinchbaugh,	McKinney,	Sinwell,
Baine,	Flynn,	Melchiorre,	Sloan,
Baker, F. T.,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stocknam,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affimative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 978 as follows:

An Act to amend and add a new section to the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licenses and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration and requiring beauty shops to be in charge of managers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one two three four five six eight eleven thirteen and sixteen of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meaning ascribed to them in this section

"Beauty Culture" includes any or all work done for compensation by any person which work is generally and usually performed by so-called hairdressers cosmetologists cosmeticians beauticians or beauty culturists and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women which work is for the embellishment cleanliness and beautification of the women's hair such as arranging dressing curling waving permanent waving cleansing cutting singeing bleaching coloring pressing or similar work thereon and thereabout and the removal of superfluous hair by means of waxes depilatories and other agents and the massaging cleansing stimulating manipulating exercising or similar work upon the scalp face arms or hands or the upper part of the body by the use of mechanical or electrical apparatus or appliances or cosmetics preparations tonics antiseptics creams or lotions or by any other means and of manicuring the nails which enumerated practices shall be inclusive of the term beauty culture but not in limitation thereof

"Department" means the Department of Public Instruction of this Commonwealth

Section 2 Practice of Beauty Culture without Registration Prohibited It shall be unlawful for any person to practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop or to use or maintain any place for the practice or teaching of beauty culture for compensation unless he or she shall have first obtained from the department a certificate of registration as provided in this act Nothing contained in this act however shall apply to or affect any person who is now actually engaged in any such occupation except as hereinafter provided

Section 3 Requirements to Practice Before any person may practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop such person shall file with the department a written application for registration accompanied by a health certificate issued by a registered licensed physician of Pennsylvania under oath on a form which shall be prescribed and supplied by such department and shall deposit with the department the registration fee and pass an examination as to fitness to practice or teach beauty culture or electrolysis as a beauty treatment or manage a beauty shop as hereinafter provided in this act

Section 4 Eligibility Requirements [for Examination] (a) No person shall be granted a certificate of registration as a student or apprentice unless such person shall have completed the eighth grade of the public schools or its equivalent

(b) No person shall be permitted by the department to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age and has been registered as a student and has had training as hereinafter provided in this act in a beauty school duly registered by the Department or unless such person shall have been registered and served as an apprentice at least two years as hereinafter provided in this act Provided however That the department may permit a person to take an examination without the prior

studentship or apprenticeship herein required if such person shall establish to the satisfaction of the department that he or she has been an operator in the active practice of beauty culture for at least twenty-four months within the five years next preceding the effective date of this act And provided further That the department may in its discretion permit persons to take the examination who have completed courses in schools of beauty culture outside of this Commonwealth when it is established to the satisfaction of the department that the said schools and courses of study equal the requirements of similar schools within this Commonwealth

(c) No person shall be permitted to take an examination for a certificate to [teach beauty culture or] act as manager of a beauty shop unless such person shall be at least [eighteen] twenty-one years of age and has had at least eighteen months' experience as an operator in a beauty shop or has had training in a duly registered school of beauty culture of fifteen hundred hours inclusive of the studies necessary to become an operator

(d) No person shall be permitted to take an examination for a certificate to teach beauty culture unless such person shall have a public high school education or its equivalent and has had either a training in a duly registered school of beauty culture of two thousand hours inclusive of the studies necessary to become an operator or eighteen months experience as an operator and one thousand hours training in such school

Section 5 (a) Manicuring A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this act except that the examination therefor may be limited to such practice only and the required beauty culture schooling shall be two hundred and fifty hours within a period of not less than [one month] six weeks

(b) Electrolysis A certificate of registration to use the electric needle only as a beauty treatment may be applied for and granted under all of the terms and conditions of this act except that the examination therefor shall be limited to such practice only and the required beauty culture schooling shall not be less than two hundred and fifty hours within a period of not less than three months

Section 6 (a) Requirements of a School of Beauty Culture No school of beauty culture shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by this Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours shall establish grades and hold examinations before issuance of diplomas and shall require a day school term of training of not less than twelve hundred hours within a period of not less than seven [consecutive] months or a night school term of training [for a period] of not less than [twelve consecutive] twelve hundred hours within a period of not less than eighteen months for a complete operator's course comprising all or a majority of the practices of cosmetology as provided by this act and to include practical demonstrations and theoretical studies and study in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to beauty culture or any practice thereof In no case shall there be less than one teacher to each twenty-five pupils nor less than two registered teachers on the staff of any school No certificate shall be granted to a school of beauty culture not heretofore registered unless the floor space of such school be at least twelve hundred square feet and the apparatus and equipment of such school be in the opinion of the department adequate for the proper training of at least twenty-five pupils at one time In no case shall a certificate be granted unless it is established to the satisfaction of the department that the applicant is a morally and financially responsible person and in the case of a corporation that its officers and directors are such

(b) Notice Objections The applicant for a certificate of registration for a school of beauty culture shall advertise the intention to apply for the same in a newspaper of general circulation printed in the English language in the county in which the premises involved are situate Advertisements shall appear once per week for two consecutive weeks the last of which shall appear at least ten days prior to the date fixed for the presentation of the application and shall contain such information as the rules of the department may require

Objections thereto may be filed with the department within fifteen days after the presentation of the application Upon the filing of objections to any application the department shall conduct a hearing thereon at Harrisburg upon ten days notice to all interested parties At such hearing the department shall take testimony on and consider the application and exceptions and shall refuse or grant the application upon such testimony or upon such other facts as the department upon investigation may ascertain

Section 8 Practice in Beauty Shops Only It shall be unlawful for any person to practice beauty culture for pay in any place other than a registered beauty shop Provided That a registered operator attached to a registered shop may furnish beauty culture treatments to persons in residences of such persons by appointment.

Section 11 Rules by Department The department shall prescribe reasonable rules for its conduct and for the qualifications registration and examination of applicants to practice or teach beauty culture electrolysis and manicuring and for the registration of apprentices teachers students and managers of beauty shops or schools of beauty culture and for temporary [licenses] certificates to be issued at the discretion of the department under the provisions of sections nine and ten of this act and generally for the conduct of persons copartnerships associations or corporations affected by this act Rules established by the department shall be printed and supplied to applicants and license holders

Section 13 Powers and Duties of Department The department shall have the power to refuse revoke or suspend [licenses or] certificates upon due hearing on proof of violation of any provisions of this act or the rules and regulations established by the department under this act or for gross incompetency or dishonest or unethical practices and shall have the power to require the attendance of witnesses and the production of such books records and papers as it may desire Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose certificate of registration has been so suspended or revoked may after the expiration of ninety days on application to the department have the same re-issued to him or her upon satisfactory proof that the disqualification has ceased [Before the department may institute any of the above proceedings it shall send a notice in writing to the certificate holder of any alleged violation of this act or rules thereunder together with a notice that if the violation is not abated within fifteen days the proceedings above outlined will be initiated]

Section 16 Fees The registration fee for the issuance of a [license] certificate with or without examination shall be as follows Five dollars ($5.00) for beauty shop owners managers persons using the electric needle as a beauty treatment and teachers two dollars ($2.00) for operators and manicurists one dollar ($1.00) for students or apprentices and fifty dollars ($50.00) for schools of beauty culture Annual renewal fees shall be five dollars ($5.00) for shop owners [and] managers persons using the electric needle as a beauty treatment and school instructors two dollars ($2.00) for operators and manicurists and twenty-five dollars ($25.00) for schools of beauty culture The above fees for registration examination and certificate shall be paid in advance to the department and by

it paid into the State Treasury through the Department of Revenue

Section 2 That said act is hereby further amended by adding thereto after section six the following new section to read as follows

Section 6.1 Managers Required for Beauty Shops Every beauty shop shall be in charge of a manager registered as such under the provisions of this act Provided however That any owner of an existing registered beauty shop who is a registered operator may apply for and receive a certificate as manager of said shop if such application be in the hands of the department within ninety days after the effective date of this amendatory act

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2464, entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2683, entitled:

An Act to amend the act approved the twentieth day of December 1933-34 (Pamphlet Laws eighty-nine) entitled "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimbursement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,

Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affimative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2528, entitled:

An Act to amend section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rhys,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affimative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 867, entitled:

An Act to amend section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by revising the provisions relating to the publication of notices in newspapers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,

Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affimative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1965, entitled:

An Act to amend sections twelve and thirteen of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" requiring certificates of registrations to show the photograph of the registered person or manager and providing for the suspension and revocation of registrations on account of Sunday work

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1616, entitled:

An Act to amend section five hundred and six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, empowering school districts to incur or increase indebtedness to repair, rebuild or replace heating plants and equipment connected therewith and building equipment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,

Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2543, entitled:

An Act to amend clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, exempting certain additional contracts from the contractual provisions; and raising the yearly maximum of contracts in which borough officials may be interested.

And said having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. MENTZER asked and obtained unanimous consent to call up out of order House Bill No. 1994, Printer's No. 1454, on page 25 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1994, as follows:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any board of school directors of any school district shall have advertised for bids and let contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvements of the grounds appurtenant to the same and such building addition or improvement has been actually constructed erected and completed by the contractor or contractors and has become available for use by the school district or whenever heretofore any board of school directors of any school district after advertising for bids and letting contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvements of the grounds appurtenant to the same shall for the purpose of making such school building addition or improvement suitable fit or adequate for school purposes have ordered or directed any person persons firm firms corporation or corporations to do extra work or furnish extra material not required to be performed or furnished by the terms of the original contract for such erection or construction or shall have entered into a separate or additional contract or contracts for such extra work or material and such extra work or material shall have actually been performed or furnished and become available for school use or whenever heretofore any board of school directors shall have accepted or used on behalf of the school district and for school purposes any newly constructed school building or addition

to or improvement of an existing school building or improvement of the grounds appurtenant to the same and where any such contract or contracts order or orders direction or directions acceptance or use shall not evidence any fraud or conspiracy to violate any law or laws of the Commonwealth in such case made and provided then and in such cases any such contract or contracts order or orders direction or directions acceptance and use and all proceedings of such board of school directors in connection therewith are hereby ratified confirmed validated and made binding upon such school district and the board of school directors is hereby authorized on behalf of the school district to accept such building addition improvement extra work or extra material to use the same for school purposes and to pay to the contractor or contractors or the person persons firm firms corporation or corporations doing any such work or furnishing any such material the amount and amounts due thereon under the terms of such contract or contracts order or orders direction or directions or if the amount or amounts to be paid therefor are not so fixed then not to exceed the fair value thereof from the funds of the school district raised by taxation notwithstanding the fact in either or any of the above cases that such contract or contracts order or orders or direction or directions relating to extra work or material shall have been null and void for the reason that bids therefor were not asked for by advertisement or otherwise or were not received or that reference to extra work or material was or was not contained in any contract or contracts order or orders or direction or directions entered into or given for other parts of the work or in the plans and specifications used in connection with such other work or where bids were advertised for the construction and erection of such building addition to or improvements of an existing school building or improvements of the grounds appurtenant thereto or for such extra work or material the bids received and contracts let were not in accordance with the advertisements or bidders did not bid on a like basis with each other as to the time for the completion of the work or verbal changes in the plans and specifications for such work were made by responsible agents of the school district prior and subsequent to receipt of bids which changes were never duly advertised or after the contract or contracts were awarded or the order or orders or direction or directions were given the board of school directors agreed to pay for the completion bond or bonds given by the contractor or contractors or other person persons firm firms corporation or corporations doing such work or furnishing such material or agreed to dispense with such bond or bonds or because of a failure on the part of the board of school directors to comply with the requirements of section six hundred and seventeen of the School Code approved May eighteenth one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) as amended by the acts of assembly approved July tenth one thousand nine hundred and nineteen (Pamphlet Laws eight hundred eighty-nine) May seventh one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred twenty-five) and May twenty-ninth one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) or with any other law or laws of the Commonwealth or because such contract or contracts order or orders direction or directions were executed entered into or given or such work was done or such material furnished or such building addition thereto or improvement thereof or improvement of the grounds appurtenant thereto was accepted or used in violation of any law or laws of the Commonwealth or because the advertisements for bids if any did not fix the time at which the building addition or improvement was to be completed or the extra work or material to be performed or furnished or for any other reason whatever

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shreiner,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baine,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holland,	Phillips,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Wilson,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2628, entitled:

An Act providing that in cities of the first class, all pension funds of police, shall be administered by a board composed of nine members and providing a referendum to ascertain the will of the electors with respect to authorizing said cities to defray the entire expense of operating the existing police pension system

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2438, entitled:

An Act to amend section one of the act approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-nine) entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" as amended extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 323, entitled:

An Act to amend section two hundred and two hundred two of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing additional penalties for killing fish by pollution or explosions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 686, entitled:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2520, entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal imposing additional taxes equal to Federal credits" by adding thereto section two authorizing the payment of estate taxes under protest without prejudicing rights where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventh day of May one thousand nine hundred and twenty-seven

(Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" is hereby amended by adding thereto section two which reads as follows

Section 2 In the event that the Federal Government in accordance with any Federal laws now or hereafter enacted shall assert against the estate of any decedent whether a resident or nonresident of the Commonwalth any deficiency tax in addition to the tax admitted to be payable by the return of such estate then and in every such event the executor administrator or person in actual or constructive possession of the property of such estate shall have the right at any time following such assertion of such deficiency tax to pay under protest the whole or any part of the taxes which would be due by such estate to the Commonwealth under this act in respect of such deficiency tax if such assertion thereof be valid and the Secretary of Revenue shall issue his certificate showing each such payment and that the same was made under protest If in any proceeding now or hereafter authorized by Federal law the liability of such estate to pay such deficiency tax or any part thereof shall be brought in issue or the refund or repayment of the whole or any part of such deficiency tax shall be sought and in or by virtue of such proceeding it shall be finally determined that the whole or any part of such deficiency tax is or was not payable by said estate then and in any such event the final determination so made shall automatically entitle the party who shall have made the aforesaid payment under protest to the Commonwealth to a credit in the amount of the difference between the amount of the tax imposed by this act if any in respect of such deficiency tax as so finally determined and the amount so paid under protest and the amount of said difference shall be entered by the party paying such tax immediately following said final determination under Federal law The Department of Rev-Department of Revenue as a credit to the account of the enue as and when requested by said party entitled to such credit shall issue to or upon the order of such party receipts in such assignable form as the Secretary of Revenue from time to time shall determine evidencing such credit Such credit or any part thereof or any such certificates evidencing the whole or any part thereof shall be assignable by the party originally entitled thereto or any assignee thereof to any other person firm association or corporation and may be used by any such assignee in payment and satisfaction of any obligation or liability then or thereafter due by such assignee to the Commonwealth of Pennsylvania in respect of any taxes or governmental charges theretofore or thereafter imposed by law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2299, entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and for foreign insurance corporations authorized to do business in this State.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,

Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2827, entitled:

An Act to further amend section two of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; defining and taxing transfers made in contemplation of death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal;" by imposing a graduated tax and allowing further deductions.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eberharter,	Male,	Shaw,
Alexander,	Eroe,	Mallen,	Shepard,
Allen,	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shreiner,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flanagan,	McHenry,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Flynn,	Mentzer,	Sloan,
Baker, F. T.,	Forrest,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yourishin,
Downey, G. E.,	Longaker,	Schrope,	Zappala,
Downey, J. J.,	Lovett,	Schwab,	Zimmerman,
Duffort,	Lynch,	Schwartz,	Sarig,

NAYS—1

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2523, as follows:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to and to amend section one thousand two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Common-

wealth" as amended authorizing any person association corporation or public officer against whom an account has been settled or against whom an account may be settled on the basis of a report filed to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement without prejudice to the right of resettlement review or appeal and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay licenses fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended by adding thereto sections one thousand one hundred eight and one thousand one hundred nine to read as follows

Section 1108 Payment of Accounts After Settlement Without Prejudice to Right of Resettlement Review and Appeal Whenever any settlement of an account in favor of the Commonwealth for any tax bonus or other claim shall have been made by the Department of Revenue and shall have become valid by approval of the Auditor General or otherwise any person association corporation public officer or other debtor against whom such settlement shall have been made believing himself itself or themselves aggrieved thereby shall have the right at any time thereafter to pay to the Department of Revenue the full amount of such settlement or any part thereof without prejudice to his its or their right to present and prosecute a petition for resettlement to the Department of Revenue a petition for review to the Board of Finance and Revenue or an appeal to the Court of Common Pleas of Dauphin County in the manner provided in this act Provided That such payment shall be accompanied by a protest that the whole or any designated part of such payment is not justly and legally due and with the payment of such interest if any as may then be due upon the principal sum Paid

If the whole or any part of such settlement so paid under protest shall be paid within sixty (60) days after the settlement shall have become valid no interest or commission to the Attorney General shall be charged or collected thereon

If such payment shall be made at any time after the expiration of sixty (60) days and within ninety (90) days after the settlement shall have become valid or at any time after ninety (90) days thereafter and while there is pending a petition for resettlement or a petition for review it shall be accompanied by payment of such interest as is due and payable thereon under the provisions of this act

If such payment be made at any time after the Board of Finance and Revenue shall have acted upon a petition for review and within twenty-one (21) days after an appeal has been filed in the Court of Common Pleas of Dauphin County it shall be accompanied with payment of interest at the rate of six per centum per annum but without any commission to the Attorney General

If such payment be made at any time after twenty-one (21) days after an appeal has been filed in the Court of Common Pleas of Dauphin County it shall be accompanied with the payment of interest at the rate of six per centum per annum and a commission to the Attorney General at the rate fixed by this act

Whenever the principal amount due upon a resettlement or the principal amount determined to be due upon a petition to the Board of Finance and Revenue is less than the principal amount paid to the Department of Revenue under protest and the person association corporation public officer or other debtor against whom such settlement has been made is satisfied therewith or whenever the principal amount due upon the final judgment entered on any appeal is less than the principal amount paid to the Department of Revenue under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of such person association corporation public officer or other debtor Such credit may be used by the person association corporation public officer or other debtor to whose account it is entered in payment of any tax bonus or other claim which may be or become due from him it or them to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association corporation public officer or other debtor and such assignee may use it in payment of any such obligation to the Commonwealth

Section 1109 Payment Before Settlement Without Prejudice to Right of Resettlement Review or Appeal Any person association or corporation which is required to make to the Department of Revenue a report upon the basis of which any bonus tax or other charge is to be settled or assessed shall have the right prior to such settlement to pay to the Department of Revenue on account thereof any amount which he it or they may elect without prejudice to his its or their right after such settlement shall have been made to present and prosecute a petition for resettlement to the Department of Revenue a petition for review to the Board of Finance and Revenue or an appeal to the Court of Common Pleas of Dauphin County in like manner as if such payment had not been made

If the amount finally determined to be due shall be less than the amount paid the difference may be used by such person association or corporation in payment of any tax bonus or other claim which may be or become due from him it or them to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

Section 2 That section one thousand two hundred and two of said act as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

Section 1202 Procedure for the Collection of Transfer Inheritance Taxes on Transfers from Estates of Nonresident Decedents The Department of Revenue shall exercise the following powers and perform the following duties heretofore exercised and performed by the Auditor General in connection with the collection of transfer inheritance taxes on transfers from estates of nonresident decedents

(a) Whenever property within this Commonwealth is transferred from a decedent who was a nonresident of the Commonwealth at the time of death the Department of Revenue whenever occasion may require on the application of any interested party or upon its own motion shall appoint an appraiser to appraise the value of such property if subject to transfer inheritance tax Every such appraiser shall forthwith give notice by mail to such per-

son as the Department of Revenue shall direct of the time and place when and where he will appraise such property He shall at such time and place make a fair conscionable appraisement of said property and assess and fix the cash value of all annuities on life-estates growing out of said estates upon which annuities and life-estates the tax imposed by this act shall be immediately payable out of the estate and he shall make report thereof and of such value in writing to the Department of Revenue which report shall be filed in the office of the department and the department shall immediately give notice thereof by mail to all parties known by it to be interested therein

(b) Whenever the interests of the Commonwealth may require the Department of Revenue is authorized to appoint such additional appraisers or employ such investigators or experts as it may deem best to make appraisements of or investigations in regard to the property of any nonresident decedent subject to transfer inheritance tax The compensation of all such persons so employed by the department shall be fixed by the Secretary of Revenue with the approval of the Governor as in other cases

(c) Any person not satisfied with the appraisement made by an appraiser appointed by the Department of Revenue may appeal within thirty days to the court of common pleas of Dauphin County on paying or giving security to pay all costs together with whatever tax shall be fixed by the court Upon such appeal the court may determine all questions of valuation and the liability of the appraised estate for such tax subject to the right of appeal to the Supreme or Superior Court

Any person not satisfied with such appraisement shall have the right at any time thereafter to pay the full amount of the tax assessed thereon or any part thereof without prejudice to his right to file and prosecute an appeal therefrom Provided That such payment shall be accompanied with a protest that the whole or any designated part thereof is not justly and legally due and with the payment of such interest if any as may then be due upon the principal sum paid Whenever the whole or any part of such tax shall have been so paid under protest before the filing of an appeal the appellant shall be required to give security only for the payment of all costs and such additional tax as shall be fixed by the court

Whenever the amount of tax determined by the final judgment entered upon any such appeal shall be less than the principal sum paid under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of the appellant Such credit may be used by the appellant in payment of any other tax claim or charge which may be due or become due from him to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

(d) The Department of Revenue shall enter in a public record the returns made by all appraisers appointed by it to appraise the property of nonresident decedents within this Commonwealth subject to transfer inheritance taxes opening an account in favor of the Commonwealth against each such decedent's estate The Department of Revenue may give certificates of payment of said tax from said record and upon payment thereof shall give a receipt therefor to the party paying the same

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2521, as follows:

An Act to amend section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association, standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents without prejudice to the right of appeal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by th authority of the same That section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and

collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-nine) is hereby further amended to read as follows

Section 13 Any person not satisfied with any appraisement of the property of a resident decedent may appeal within thirty days to the orphans' court on paying or giving security to pay all costs together with whatever tax shall be fixed by the court The appeal shall specify all the objections to said appraisement and any objections not specified in the appeal shall not be considered by the court Upon such appeal the court may determine all questions of valuation and of the liability of the appraised estate for such tax subject to the right of appeal to the Supreme or Superior Court

Any person not satisfied with such appraisement shall have the right at any time thereafter to pay the full amount of the tax assessed thereon or any part thereof wihout prejudice to his right to file and prosecute an appeal therefrom Provided That such payment shall be accompanied with a protest that the whole or any designated part thereof is not justly and legally due and with the payment of such interest if any as may then be due upon the payment principal sum paid Whenever the whole or any part of such tax shall have been so paid under protest before the filing of an appeal the appellant shall be required to give security only for the payment of all costs and such additional tax as shall be fixed by the court

Whenever the amount of tax determined by the final judgment entered upon any such appeal shall be less than the principal sum paid under protest the Department of Revenue shall enter a credit in the amount of such difference to the account of the appellant Such credit may be used by the appellant in payment of any other tax claim or charge which may be due or become due from him to the Commonwealth and if all such charges have been fully paid any remaining credit may be assigned to any other person association or corporation and such assignee may use it in payment of any such obligation to the Commonwealth

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2925, entitled:

An Act to amend section four of the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number ninety-one), entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties," by changing the time of payment.

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Berphard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Sproul,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,

Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1876, entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement. assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties, the interest charges shall be stricken off.

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Duffort,	Lovett,	Schrope,	Zappala,
Downey, G. E.,	Lynch,	Schwab,	Zimmerman,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2687, entitled:

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof the Commonwealth of Pennsylvania and any county city town borough township school district poor district authority or any other agency or instrumentality thereof and said corporations for the acquisition of property in connection with public works projects

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2217, as follows:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacter by the authority of the same That section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" is hereby amended to read as follows

Section 6 Place of Filing The conditional sale contract or copy shall be filed in the office of the prothonotary in the county in which the goods are first kept for use by the buyer after the sale and shall be a judicial record and shall be subject to the control of the court of common pleas of said county It shall not be necessary to the validity of such conditional sale contract or in order to entitle it to be filed that it must be acknowledged or attested This section shall not apply to the contracts described in section eight

Section 2 The provisions of this act shall be retroactive and shall apply to all contracts or copies heretofore filed in accordance with the provisions of the act to which this is an amendment

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrum,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 523, entitled:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (P. L. 88) entitled "An act relating to replevin and

regulating the practice in cases where the writ of replevin is issued" as amended changing the time in actions of replevin when the plaintiff may take judgment against the defendant for default of appearance

And said bill having been read at length the third time considered, and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrum,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zappala,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2496, entitled:

An Act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yourishin,
Downey, G. E.,	Longaker,	Schrock,	Zappala,
Downey, J. J.,	Lovett,	Schrope,	Zimmerman,
Duffort,	Lynch,	Schwab,	Sarig,
Eberharter,	Male,	Schwartz,	

NAYS—1

Sproul,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2960, as follows:

An Act relating to business restricting hours of labor and in certain cases limiting the number of employes and regulating rates and payment of wages defining the rights of employes to bargain collectively with employers prohibiting certain unfair trade practices creating a Board of Industrial Appeals and defining its powers and duties in relation to the administration and enforcement of this act conferring powers and imposing duties on the Department of Labor and Industry and courts of common pleas allowing appeals and providing penalties

Whereas Conditions of widespread unemployment prevailing in this Commonwealth and disorganization of industry tend to undermine the standard of living impair

the health of citizens and threaten this and the coming generations through continued unemployment undernourishment inadequate shelter and insufficient care and otherwise adversely affect the welfare of citizens therefore it is declared that such conditions render imperative the exercise by the General Assembly of the police power to remedy the evils and protect the public welfare

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That "Establishment" and "Week" Defined The word "establishment" as used in this act shall be construed to include every mill factory manufacturing or business establishment where work is done for compensation to whomever payable

The word "week" as used in this act shall mean any consecutive seven days

Section 2 Maximum Hours Except as in this section or this act otherwise permitted no person shall be employed or permitted to work in about or in connection with any establishment for more than eight (8) hours in any twenty-four (24) hour period or for more than forty-eight (48) hours in any one week This section shall not be construed to apply to

(a) Employes in establishments employing not more than two persons in political subdivisions of this Commonwealth having a population of less than two thousand five hundred as ascertained by the last preceding decennial census of the United States which subdivision is not a part of a larger trade area The Board of Industrial Appeals shall have power to determine whether a political subdivision is part of a larger trade area

(b) Employes engaged in professional executive and supervisory work In case of dispute the Board of Industrial Appeals shall determine in the first instance whether an employment comes within the grades of occupations enumerated in this clause

(c) Watchmen and guards Provided however That watchmen and guards shall not be employed or permitted to work more than ten (10) hours in any twenty-four (24) hours nor more than six days in any one week

Section 3 Minimum Wage No person employed in about or in connection with any establishment shall be paid less wages than a rate of thirty (30) cents per hour but this provision shall not be construed to apply to

(a) Office boys and office girls but such employes shall be paid at a rate of not less than twenty-four (24) cents an hour The number of office boys and office girls shall not exceed five per centum (5%) of the total number of office employes but each employer shall be allowed at least one office boy or office girl

(b) Watchmen or guards but such employes shall be paid at a rate of not less than twenty-five (25) cents per hour

(c) Persons handicapped by age infirmity or mental or physical condition if a certificate has been first issued by the Board of Industrial Appeals authorizing the employment of such person on light work at such wages as shall be stated in the certificate

(d) Learners but such employes shall be paid a rate not less than twenty-four (24) cents an hour or if compensated on a piece work rate at not less than the employer's standard piece rate for the occupation in which the learner is engaged No more than one learner shall be employed for every five employes

Section 4 Payment of Wages (a) Except as otherwise provided in this act all wages earned by any person employed shall become due and payable at least twice during each calendar month on days to be designated by the employer as regular pay days Services rendered between the first and fifteenth days inclusive of any calendar month shall be paid for on or before the twenty-sixth day of the month during which the services were rendered and all services rendered after the fifteenth day and including the last day of a month shall be paid for on or before the tenth day of the following month

(b) No employer shall make any deductions from wages for charges or fines except such as are voluntarily consented to by an employe or such as are authorized by law No employer and no servant or agent of any employer shall accept or demand directly or indirectly any rebate on the wages of any employe

(c) All wages shall be payable in cash or negotiable check payable on demand at par and payment by check shall only be lawful where facilities are or are made available for cashing such checks

Section 5 Collective Bargaining Employes shall have the right to organize and bargain collectively through representatives of their own choosing and shall at all times be free from the interference restraint or coercion of the employer or his agents in the designation of such representatives or in self organization or in other concerted lawful activities for the purpose of collective barbaining or other mutual aid or protection

Section 6 Unfair Trade Practices (a) No person operating an establishment shall use make publish or disseminate any advertising whether printed or by radio which is inaccurate untrue deceptive or misleading in any material respect or which misrepresents the product or services of the manufacturer or the merchandise or services of the business establishment

(b) No establishment shall secretely or otherwise give or offer to give any rebate refund allowance premium free goods unearned discount commission special service or other valuable consideration which discriminates between customers of the same class But this provision shall not be construed to prohibit free and general distribution of articles of nominal value commonly used for advertising purposes

(c) No establishment shall sell any product merchandise or service below cost

Section 7 Board of Industrial Appeals Created There is hereby created a Board of Industrial Appeals (hereinafter called the board) which shall be a departmental administrative board in the Department of Labor and Industry The board shall be composed of three members who shall be appointed by the Governor by and with the advice and consent of the Senate Each member at the time of his appointment shall be a resident of the Commonwealth and shall have been a qualified elector therein for a period of at least five years next preceding his appointment and shall at the time of his appointment be not less than thirty years of age Members of the board shall be appointed for terms of three years each and until their successors are respectively appointed and have qualified

Each member shall receive an annual salary of five thousand dollars ($5,000)

No member of the board shall during his term hold any other office or position of profit or trust under this Commonwealth

Two members of the board shall constitute a quorum and every action or order of the board shall be approved by at least two members thereof

The board shall have and exercise all the powers and perform all the duties generally vested in and imposed upon departmental administrative boards and commissions by the Administrative Code

Section 8 Secretary and Employes The board shall appoint a secretary who shall keep complete and accurate records of the minutes of all meetings of the board and attest the same preserve and file all testimony given before the board and record and attest all decisions rendered by the board The secretary shall receive such annual salary as may be fixed by the Secretary of Labor and Industry

The Department of Labor and Industry shall in accordance with the Administrative Code employ and assign such employes to the board as may be deemed necessary and fix their compensation in accordance with the standards of the executive board

Section 9 Hearings on Petition Complaints Orders Whenever the owner or operator of any establishment shall allege by petition to the board that the provisions of this act relating to maximum hours and minimum wages or to the payment of wages impose an unusual or undue hardship on any establishment or any group of establishments and praying for relief the board shall have power after public notice and hearing to grant by its order an exception from said provisions or make a

modification of such provisions as they apply to such establishment or group of establishments Provided however That the maximum hours provided for in this act shall not be increased more than six hours in any one week

In the case of "service employes" who receive gratuities from the public the board may after notice and hearing determine the credits if any to be allowed on account of the minimum wages prescribed by this act

The board shall also have power to hear and determine complaints of persons copartnerships associations and corporations who allege injury by others on account of evasions of the provisions of this act and through unfair trade practices and shall also have power to hear and determine complaints filed by the Department of Labor and Industry

The board after hearing any matter under this or any other section of this act shall determine the relative facts concerning any matter at issue whether any violation of this act or the rules and regulations of the board has occurred and the extent thereof and shall issue its order to the person copartnership association or corporation to cease such violation of this act or such rules and regulations

Section 10 Rules and Regulations The board shall have power after public hearing to adopt promulgate and enforce such rules and regulations not inconsistent with the provisions of this act as may be deemed necessary to carry into effect the provisions of this act Such rules and regulations shall provide inter alia the necessary procedure for hearing petitions and complaints including notice to all interested parties and affording such parties an opportunity to be heard and providing for the service of orders of the board

Section 11 Administration of Oaths Subpoenas Each member of the board and the secretary shall have power to administer oaths to any person testifying before the board The board shall have power to issue subpoenas requiring the attendance of witnesses and the production of books records papers and documents pertaining to any matter being heard by the board Such subpoenas shall be signed by the chairman of the board and attested by the secretary

In case any person shall refuse to comply with any subpoena issued by the board or shall appear and refuse to testify to any matter concerning which he may be lawfully interrogated the board may apply to the Court of Common Pleas of Dauphin County for a subpoena Thereupon the court shall issue its subpoena to such person commanding him or her to appear before the court on a day and at a time and place fixed and to produce such books records papers and documents as may be required and there to testify concerning the matter being inquired into Any person refusing to comply with the subpoena issued by the court shall be held for contempt of court

Section 12 Applications for Injunctions If any person copartnership association or corporation to whom an order of the board has been issued as herein provided refuses to comply with such order and continues to violate this act or the rules and regulations of the board or if any such person copartnership association or corporation shall otherwise violate the provisions of this act the board may apply by bill in equity to the court of common pleas of the county in which such violation occurs to enjoin and restrain such violation of this act or the rules and regulations of the board In any such proceeding the board shall be represented by the Department of Justice

Where any such application is made after a finding by the board that such a violation does exist the court may grant a preliminary injunction

The board shall not be required to file bond in any such proceeding

Section 13 Appeals From Actions of Board Any person copartnership association or corporation aggrieved by any order action rule or regulation of the board may within thirty days after notice of such order or action or at any time in respect to any rule or regulation appeal to the Court of Common Pleas of Dauphin County Such appeal shall be by petition a copy of which shall be filed with the board prior to its presentation to court Upon the filing of such petition with proof of service on the board the court shall fix a day and time for hearing of which notice shall be given to all parties interested as the court may direct The board shall at least five days prior to such hearing file a copy of the record of the proceedings in its possession if any in the office of the prothonotary

The court shall have power to hear any such appeal de novo and after hearing and argument shall have power to sustain modify or reverse the action of the board as to it appears just and proper and shall enter its order accordingly The action of the court shall be final

Section 14 Penalty Any person corporation copartnership or association or any officer agent manager or servant of any person corporation copartnership association who shall violate any of the provisions of this act or any rule or regulation of the board or shall hinder interfere with or delay any officer or agent of this Commonwealth in the performance of his duties in the enforcement of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or to undergo imprisonment for not more than thirty days or both at the discretion of the court

Section 15 Severability The provisions of this act are severable and if any provision hereof is held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been contained therein.

Section 16 Existing Laws Saved This act shall not be construed to repeal or impair the provisions of any other law of this Commonwealth but shall be construed as supplemental to existing laws of this Commonwealth but if any provision of this act is found to be inconsistent with any provision of existing law then such provision of existing law shall be deemed suspended so long as this act remains in effect

Section 17 Effective Date The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2389, entitled:

A Supplement to an act approved the twelfth day of June one thousand nine hundred thirty-one (P. L. 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" authorizing the Deleware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey to operate cars and trains over facilities owned and leased by it and by others to make agreements for the operation of cars and trains owned by it and by others and to apply for and accept certain privileges and grants from Federal and State agencies

And said bill having been read at length the third time, considered, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eberharter,	Male,	Schwartz,
Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	McCreary,	Shepard,
Altenburg,	Ferko,	McDermott,	Shortz,
Andrews,	Finnerty,	McDevitt,	Shreiner,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	VanAllsburg,
Chervenak,	Holstrom,	Phillips,	VanSickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klinger,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
			Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 590, entitled:

An Act authorizing cities of the third class to surrender their charter and be constitued a borough providing the procedure therefor and terminating the terms of the officers of such city when the borough government is organized

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eberharter,	Male,	Schwartz,
Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	McCreary,	Shepard,
Altenburg,	Ferko,	McDermott,	Shortz,
Andrews,	Finnerty,	McDevitt,	Shreiner,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	Van Allsburg,
Chervenak,	Holstrom,	Phillips,	Van Sickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
			Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1755, entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days

On the question,

Will the House agree to the bill on third reading

Mr. TUMELTY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend as follows, Section 2, page 3, line 17, by striking out after the word "and" the balance of the sentence, and all of line 18, and insert in lieu thereof the following: "whose net receipts from alcoholic beverages shall not be more than fifty percent of the gross receipts of the Club.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2043, as follows:

An Act to amend subsection (V) of section one of article two and section nine of article five of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons and to operate and conduct a joint through traffic over the lines so connected and giving the commission jurisdiction over such service and over the rules regulations rates charges costs and revenues pertaining thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (v) of section one of article two of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive juridiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one

and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled : To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the privisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" is hereby amended to read as follows

(v) If a telephone corporation or person engaged in the telephone business whose lines together with the lines of another telephone corporation or person engaged in the telephone business would if connected form a continuous line of communication between different [localities which are not reached by lines facilities or connections of either alone and could be made to do so by the construction and maintenance of suitable connections between the several lines at common points for the transmission of conversation between different localities] subscribers to the service of either whether such subscribers are located in the same or in different communities or who maintains separate exchanges that are without means of inter-connection except by means of the line or lines of one or more other telephone companies or persons engaged in the telephone business to jointly [arrange for the interchange and transfer of conversations at such common points] make such connections and arrangements as will permit telephone conversation between such subscribers when it can reasonably be done and efficient service can be obtained [without injustice to either company and without substantial impairment or detriment to the service to be rendered by either company and when necessity exists therefor in order to supply through traffic communication between different localities not otherwise provided for by the companies in question or either of them] and whenever the commission shall deem it necessary or proper for the accommmodation or convenience of the public and [shall] to operate and conduct a joint through traffic over the several lines so connected and [shall] to make the proper rules and regulations governing the same and [shall] to establish just and reasonable rates and charges [for the joint through service thereby rendered] governing the same and [shall] to make among themselves an equitable apportionment of the costs and revenues appertaining to [the joint facilties and] such joint service

Section 2 Section nine of article five of said act is hereby amended to read as follows

Section 9 Whenever the commission shall find that there are any two or more telephone companies or persons engaged in the telephone business whose lines if connected would form a continuous line of communication [or could be made to do so by the construction and maintenance of suitable connections between the several lines at common points] for the transmission of conversations between different [localities which are not reached by the lines of either company alone] subscribers to the service of either whether such subscribers are located in the same or in different communities or that separate exchanges of the same telephone company or person engaged in the telephone business are without means of inter-connection except by means of the line or lines of one or more other telephone companies or persons engaged in the telephone business and that [such] connections and facilities for the through transmission of conversations jointly over the several lines can reasonably be made and [an] efficient service can be obtained [without injustice to either company and without substantial impairment or detriment to the service to be rendered by either company] and that [a public necessity exists therefor] it is necessary or proper for the accommodation or convenience of the public or shall find that any two or more telephone companies have failed to establish just and reasonable joint rates or charges for through service by or over their several lines so connected and that such joint rates or charges ought to be established in order to supply a through traffic and communication between such different [localities not otherwise provided for or proffered by the companies in question or either of them] subscribers the commission may by its order require that such connection be made and facilities supplied and that through conversations be transmitted thereby and may prescribe the through line and joint rates and charges to be made and to be used and in force in the future and shall appoint or approve necessary and proper conditions rules and regulations for the joint through traffic and an equitable apportionment between the several companies of the costs and revenues in connection therewith and the commission may fix the same by its order to be duly served upon the company or companies affected

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eberharter,	Male,	Schwartz,
Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	McCreary,	Shepard,
Altenburg,	Ferko,	McDermott,	Shortz,
Andrews,	Finnerty,	McDevitt,	Shreiner,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	Van Allsburg,
Chervenak,	Holstrom,	Phillips,	Van Sickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Wellivier,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
			Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the quesion was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. TROUT asked and obtained unanimous consent to call up out of order House Bill No. 6, Printer's No. 1522, on page 28 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 6 as follows:

An Act to amend section twenty-one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal," limiting the compensation of registers of wills in the collection of transfer inheritance taxes.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That section twenty-one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled, "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer has been paid and providing penalties and citing certain acts for repeal," is hereby amended to read as follows:

Section 21. The registers of wills upon their filing with the Auditor General the bond hereinafter required shall be the agents of the Commonwealth for the collection of the said tax in the case of resident decedents. For services rendered in collecting and paying over the same they shall be allowed to retain for their own use upon the gross amount collected during any year five per centum upon the tax collected if such tax shall amount to a sum of fifty thousand ($50,000) dollars or less than three per centum on the amounts collected in excess of fifty thousand ($50,000) dollars and not exceeding one hundred thousand ($100,000) dollars one per centum on the amounts collected in excess of one hundred thousand ($100,000) dollars and not over two hundred thousand ($200,000) dollars and one-half of one per centum on the amounts collected in excess of two hundred thousand ($200,000) dollars and not over one million ($1,000,000) dollars and one-quarter of one per centum on the amounts collected in excess of one million ($1,000,000) dollars, provided that the compensation of the register of wills as agent of the Commonwealth in the collection of said taxes shall not in any year exceed the total sum of seven thousand dollars ($7,000)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—168

Achterman,	Downey, G. E.,	Kelder,	Root,
Alexander,	Downey, J. J.,	Kelso,	Ruth,
Allen,	Duffort,	Kilroy,	Sarraf,
Andrews,	Eberharter,	Kinney,	Scanlon,
Arnold,	Eroe,	Klinger,	Schrock,
Atkins,	Falkenstein,	Kobelak,	Schrope,
Aukerman,	Ferko,	LaRue,	Schwab,
Baine,	Finnerty,	Linderman,	Schwartz,
Baker, F. T.,	Fitch,	Long,	Shaw,
Baker, J. J.,	Flanagan,	Longaker,	Shepard,
Baldi,	Flinchbaugh,	Lovett,	Shreiner,
Barber,	Flynn,	Lynch,	Siegel,
Barnhardt,	Forrest,	Male,	Simon,
Blumberg,	Furman,	McCreary,	Simpson,
Boose,	Gates,	McDermott,	Sinwell,
Boyd, R.,	Gerard,	McHenry,	Smith, J. A.,
Boyer,	Gillette,	Melchiorre,	Smith, W. G.,
Bradley,	Green,	Mentzer,	Snyder, J. L.,
Brancato,	Greenstein,	Merrell,	Sproul,
Brown, J. E.,	Habbyshaw,	Moul,	Stank,
Brownfield,	Haberlen,	Muir,	Stevens,
Brumbaugh,	Hagerty,	Munley,	Stewart,
Burke,	Haluska,	Murrin,	Stott,
Cannon,	Hamilton, F. P.,	Nagel,	Surface,
Caputo,	Hamilton, R. S.,	Nothnagle,	Terry,
Carr,	Harkins,	O'Keefe,	Trout,
Carson,	Harmuth,	Ominsky,	Tumelty,
Castor,	Hart,	O'Neill,	Van Sickle
Chervenak,	Hartman,	Panton,	Wall,
Coakley,	Hefferon,	Patterson, C.,	Wasserman,
Cochran,	Hermansen,	Patterson, J. W.,	Weidemann,
Cohen,	Hetrick,	Perry,	Welliver,
Condon,	Hindman,	Pfaff,	Welsh,
Conner,	Hirsch,	Piole,	Westrick,
Coolahan,	Hoffner,	Powers,	Wickersham,
Cordier,	Holland,	Reising,	Winner,
Davies,	Holstrom,	Reynolds,	Witkin,
Decker,	Hoopes,	Rhys,	Woodside,
Denning,	Horst,	Rinn,	Zappala,
Dent,	Jackson,	Roan,	Zimmerman,
Diehl,	Jones,	Robinson,	Sarig,
Dilley,	Kane,	Rooney,	

NAYS—2

Coleman,	Yourishin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. ATKINS asked and obtained unanimous consent to call up out of order House Bill No. 1554, Printer's No. 1417, on page 55 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1554, entitled:

An Act relating to landlord and tenant and amending revising changing and consolidating the law relating thereto

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ATKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for further study.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would ask the gentleman, from Armstrong, if he will not withdraw that motion. The bill was passed over. It cannot be reached until Monday. The situation is this: This is a landlord and tenant code. I realize it is important but the bill was introduced at the request of the Bar Association of Pennsylvania. The preparation of a code was participated in by Mr. Fertig of the Reference Bureau. I tried to reach him on the

telephone earlier, but I found he was engaged in a meeting of the Retirement Board. If it goes back to the Committee on Judiciary General, it will be unlikely that it will be reached before Tuesday, then it would be reported out and there would be no chance of its being passed, while, if it is allowed to go over until Monday, if there are serious objections, they can be taken care of, and if there are minor objections they can be ironed out, we can then amend it and have a chance to send it to the Senate. Under the circumstances and because of the amount of work which Mr. Fertig and some of the members of the bar have put into this, in view of those facts I think that we ought not to send this bill back to committee but ought to pass it over.

Mr. ATKINS. Mr. Speaker, this bill was sponsored by the Bar Association. I find several things in the bill that I object to very much especially at this time and I would like to have it go back to the Judiciary General Committee, where we can take it up.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON THIRD READING

Mr. CANNON. Mr. Speaker, I desire to call up at this time House Bill No. 2253, Printer's No. 1251, on page 63, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. CANNON.

The House resumed the consideration on third reading of House Bill No. 2253, entitled:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. CANNON. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1, page 2, line 6, by inserting after the word "improvement" the following: "and which wage or wages shall be sufficient to secure domestic happiness and provide an American standard of living."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. COLEMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. COLEMAN. Mr. Speaker, on page 35 of today's calendar, Senate Bill No. 1296, is a bill that makes operative in the city of Scranton, the Huffman-Rankin law passed earlier in this session. The taxpayers of Scranton are asking for the passage of this bill so that they can get the benefit of the act. Notwithstanding the fact that we made a motion and passed it unanimously that we only act on House Bills, I ask permission to call this bill up so that the people in Scranton who are withholding payment of their taxes will get the benefit of its intent.

BILL ON THIRD READING

Mr. COLEMAN asked and obtained unanimous consent to call up out of order House Bill No. 2870, Senate Bill No. 1296, on page 35, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2870 (Senate Bill No. 1296), as follows:

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title extending the time for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" are hereby amended and reenacted to read as follows

An Act [authorizing the abatement of] Abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six and twenty per centum on or before the first day of November one

thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine And provided [further] That the respective current taxes for the years during such installment periods shall be paid before they become delinquent Provided further That where any tax become delinquent and if such current taxes are not paid before they become delinquent then any penalties and interest abated on any instalment of delinquent taxes theretofore paid shall be added to the remaining instalments of unpaid delinquent taxes Provided further That where any tax for the year one thousand nine hundred and thirty-five became delinquent prior to the effective date of the act to which this is an amendment or becomes delinquent at any time within thirty days after the effective date of the act to which this is an amendment such tax and any penalties due thereon shall be paid at any time on or before November first one thousand nine hundred and thirty-five in order to receive the benefits of this act

If any taxpayer availing himself of the provisions of this act shall fail to pay any installment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years at any time on or before November first one thousand nine hundred and thirty-five and receive the benefit of this act and in such cases payment of current taxes shall not be required

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shreiner,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baine,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, J. L.,
Baldi,	Gillette,	Moore,	Snyder, F. E.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holland,	Phillips,	Van Sickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffenach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yourishin,
Dillev,	Longaker,	Schrope,	Zappala,
Downey, G. E.,	Lovett,	Schwab,	Zimmerman,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,	Shaw,	
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; confirming and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials," conferring additional powers and duties on the Water and Power Resources Board.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON THIRD READING

Mr. WITKIN asked and obtained unanimous consent to call up out of order House Bill No. 2900, Senate Bill No. 1346, Printer's No. 639, on page 43 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2900 (Senate Bill No. 1346), entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning [June] August first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

"Section 2 In case any taxpayer shall default in the payment of any instalment of taxes or in the payment of current taxes, as required in section one of this act, the penalties and interest, or penalties as the case may be, on the instalments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law.

At any time during the instalment period, any taxpayer may pay the entire amount of, or the balance due on, delinquent taxes, whereupon penalties, interest and all costs on delinquent taxes for the year one thousand nine hundred and thirty-three and prior years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-four shall be abated and all liens filed for such delinquent taxes satisfied of record; provided, however, taxes for the then current year and all prior years are paid.

Section 3. The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county, and the taxpayer and the real estate shall not [become] be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings."

Section 2. This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shreiner,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	McKinney,	Simpson,
Atkins,	Flinchbaugh,	Melchiorre,	Sinwell,
Aukerman,	Flynn,	Mentzer,	Sloan,
Baine,	Forrest,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	VanAllsburg,
Carson,	Holland,	Phillips,	VanSickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yourishin,
Dilley,	Longaker,	Schrope,	Zappala,
Downey, G. E.,	Lovett,	Schwab,	Zimmerman,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,	Shaw,	
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REPORTS FROM COMMITTEES

Mr. WILLIAM G. SMITH, from the Committee on Military Affairs' reported as committed, House Bill No. 2980 (Senate Bill No. 1357), entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty.

Mr. TUMELTY, from the Committee on Military Affairs, reported as committed, House Bill No. 2981 (Senate Bill No. 1399), entitled:

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act provid-

ing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation, and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

Mr. WILLIAM G. SMITH, from the Committee on Military Affairs, reported as committed, House Bill No. 2923 (Senate Bill No. 1386), entitled:

An Act to amend section one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments board and commissions shall be determined" establishing a board for the determination and payment of minor damages caused by the National Guard.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2980 (Senate Bill No. 1357), entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2981 (Senate Bill No. 1399), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" limiting payments to widows under the act who lived with and were dependent on the veteran at the time of his death except under certain circumstances and providing for the establishment of presumption of death in certain cases.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2923 (Senate Bill No. 1386), entitled:

An Act to amend section one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" establishing a board for the determination and payment of minor damages caused by the National Guard.

And said bill having read at length the first time,
Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. MOOMAW. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. MOOMAW. Mr. Speaker, I notice in the Legislative Journal, in the issue of May 15th, on page 3679, that I was reported as voting "aye" on House Bill 1451. I wish to advise that I voted "no" on this bill.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread on the Journal.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Agriculture will meet on Monday, June 17, 1935, at 2.15 P. M. in room 326.

A meeting of the Democratic Caucus will be held Monday, June 17, 1935, at 7:30 P. M in the House Caucus Room.

The Committee on Rules will meet Monday, June 17, 1935, at 1:30 P. M. instead of 3:00 P. M. in the Speaker's Office.

The Young Democratic Clubs of Pennsylvania extend a cordial invitation to the Members of the House of Representatives, Chief Clerk of the House, William P. Gallagher, and the officers and employes of the House of Representatives, to attend the Annual Dinner Dance, to be held at the Penn-Harris Hotel on Tuesday evening, June 18, at seven o'clock.

Tickets may be obtained from Mr. Yates Catlin, Suite 50, Union Trust Building, at $2.50 per person.

ADJOURNMENT

Mr. DUFFORT. Mr. Speaker, I move that this House do now adjourn until Monday, June 17, 1935, at 3:00 P. M.

The motion was agreed to, and (at 3:20 P. M.) the House adjourned until Monday, June 17, 1935, at 3:00 P. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, JUNE 17, 1935 No. 77

SENATE

MONDAY, JUNE 17, 1935

The Senate met at 3 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Lord God, at the beginning of another week, which may be the final week of this Regular Session of the General Assembly of the Commonwealth of Pennsylvania for the year 1935, we approach Thy presence, seeking Thy guidance and help. We thus seek Thee because we need Thee. We need Thee every hour, but at such a time as this our need is most urgent indeed.

There still remains problems to be solved and issues to be decided. May these men who are responsible for the proper settlement of these vital questions approach their tasks prayerfully, seriously and in the fear of God.

Bless our Governor and both Houses of our Legislature. Make the ultimate result of their labors a blessing to our people and an honor to Thy great name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

FAVORING SENATE BILL NO. 1537

The Chair cleared his table and laid before the Senate petitions from clubs, organizations and individuals throughout the State favoring Senate Bill No. 1537.

Which were referred to the Committee on State Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair also laid before the Senate petitions from organizations and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on State Government.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 323 (Senate Bill No. 1638), entitled:

An Act to amend sections two hundred and two hundred two of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," providing additional penalties for killing fish by pollution or explosion.

Which was committed to the Committee on Public Health.

House Bill No. 523 (Senate Bill No. 1639), entitled:

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "Replevin Law," as amended, changing the time in actions of replevin when the plaintiff may take judgment against the defendant for default of appearance.

Which was committed to the Committee on Judiciary General.

House Bill No. 590 (Senate Bill No. 1640), entitled:

An Act authorizing cities of the third class to surrender their charter and be constituted a borough; providing the procedure therefor, and terminating the terms of the officers of such city when the borough government is organized.

Which was committed to the Committee on Municipal Government.

House Bill No. 686 (Senate Bill No. 1641), entitled:

An Act in relation to the procedure in cases at law in which certain questions other than of jurisdiction over the defendant or of the cause of action are raised preliminarily.

Which was committed to the Committee on Judiciary General.

House Bill No. 867 (Senate Bill No. 1642), entitled:

An Act to amend section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs," by revising the provisions relating to the publication of notices in newspapers.

Which was committed to the Committee on Municipal Government.

House Bill No. 928 (Senate Bill No. 1643), entitled:

An Act to amend section seven hundred twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," as amended; exempting the Sons of Veterans Re-

serve from the payment of fees of registration and certificates of title of motor vehicles owned and used by them.

Which was committed to the Committee on Highways.

House Bill No. 1561 (Senate Bill No. 1644), entitled:

An Act to amend section one thousand two hundred and eight and repeal section one thousand two hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing when and how supervising principals, principals and teachers may be dismissed or refused reelection; and conferring powers and imposing duties on officers of school districts, the Superintendent of Public Instruction, courts of common pleas and sheriffs.

Which was committed to the Committee on Education.

House Bill No. 1616 (Senate Bill No. 1645), entitled:

An Act to amend section five hundred and six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, empowering school districts to incur or increase indebtedness to repair, rebuild or replace heating plants and equipment connected therewith and building equipment.

Which was committed to the Committee on Education.

House Bill No. 1687 (Senate Bill No. 1646), entitled:

An Act to amend sections one thousand four hundred and two, two thousand five hundred and fifty-two, two thousand five hundred and fifty-four; section two thousand five hundred and fifty-six as amended; sections two thousand five hundred and fifty-seven, two thousand five hundred and fifty-eight; sections two thousand five hundred and fifty-nine, two thousand five hundred and sixty-seven as amended; and section two thousand five hundred and sixty-eight; and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," providing for the collection of city, county, school and poor taxes in cities of the third class by the city treasurer as tax collector; providing for his compensation to be fixed and paid jointly by the city, county and school districts; requiring the city treasurer to give one bond as treasurer and collector of all of said taxes, the premiums thereof to be paid jointly by the county, city and school district; and generally revising and clarifying the powers and duties of said tax collector.

Which was committed to the Committee on Municipal Government.

House Bill No. 1876 (Senate Bill No. 1647), entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," as amended, providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties, the interest charges shall be stricken off.

Which was committed to the Committee on State Government.

House Bill No. 1965 (Senate Bill No. 1648), entitled:

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "Beauty Culture Law," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registration on account of Sunday work.

Which was committed to the Committee on State Government.

House Bill No. 1994 (Senate Bill No. 1649), entitled:

An Act to validate contracts for the erection and construction of school buildings, additions to, and improvements of existing school buildings, and improvements of the grounds appurtenant to the same, and orders for extra work and material in connection therewith, and to authorize payment therefor by the school districts, where there is no evidence of fraud or conspiracy.

Which was committed to the Committee on Education.

House Bill No. 2110 (Senate Bill No. 1650), entitled:

An Act to amend sections one thousand and six, and one thousand and thirty-five, as amended, and section one thousand and sixty-two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "General Borough Act," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by boroughs and its agents, and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs; requiring copy of the annual budget to be filed by council with the Department; requiring the auditors or controller to make and file a financial report with the Department; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2220 (Senate Bill No. 1651), entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1929," by prescribing uniform policy provisions for industrial life insurance as herein defined.

Which was committed to the Committee on Insurance.

House Bill No. 2299 (Senate Bill No. 1652), entitled:

An Act providing for the valuation of bonds and other evidence of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

Which was committed to the Committee on Insurance.

House Bill No. 2337 (Senate Bill No. 1653), entitled:

An Act to amend sections two, four, five, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

Which was committed to the Committee on Banking.

House Bill No. 2389 (Senate Bill No. 1654), entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred seventy-five), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating the Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and

making an appropriation," authorizing the Delaware River Joint Commission to extend its transportation facilities to certain points in the Commonwealth of Pennsylvania and the State of New Jersey, to operate cars and trains over facilities owned and leased by it and by others, to make agreements for the operation of cars and trains owned by it and by others, and to apply for and accept certain privileges and grants from Federal and State agencies.

Which was committed to the Committee on State Government.

House Bill No. 2438 (Senate Bill No. 1655), entitled:

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489), entitled "An act providing a method through which the Commonwealth may corporate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2496 (Senate Bill No. 1656), entitled:

An act authorizing corporate agencies of the United States and corporations receiving aid from the United States to exercise the power of eminent domain to acquire property for housing projects.

Which was committed to the Committee on Judiciary Special.

House Bill No. 2510 (Senate Bill No. 1657), entitled:

A Joint Resolution proposing an amendment to section one, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 2528 (Senate Bill No. 1658), entitled:

An Act to amend Section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled "Insurance Department Act of 1921," by including title insurance companies, fraternal benefit societies or beneficial societies.

Which was committed to the Committee on Insurance.

House Bill No. 2628 (Senate Bill No. 1569), entitled:

An Act providing that in cities of the first class, all pension funds of police, firemen and municipal employes shall be administered by a board composed of the mayor, city solicitor and treasurer of such cities.

Which was committed to the Committee on Municipal Government.

House Bill No. 2635 (Senate Bill No. 1660), entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by changing the method of determining the value of the shares of stock of banks and savings institutions.

Which was committed to the Committee on Banking.

House Bill No. 2543 (Senate Bill No. 1661), entitled:

An Act to amend clause fifty-three of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act" as amended, exempting certain additional contracts from the contractual provisions; and raising the yearly maximum of contracts in which borough officials may be interested.

Which was committed to the Committee on Municipal Government.

House Bill No. 2665 (Senate Bill No. 1662), entitled:

An Act to repeal the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws, seven hundred ninety-four), entitled "An act providing that estates in buildings, ground, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," as amended.

Which was committed to the Committee on Finance.

House Bill No. 2683 (Senate Bill No. 1663), entitled:

An Act to amend the act, approved the twentieth day of December, 1933-1934 (P. L. 89), entitled "An act appropriating the moneys in the State Stores Fund" by making the moneys in The State Stores Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

Which was committed to the Committee on Appropriations.

House Bill No. 2827 (Senate Bill No. 1664), entitled:

An Act to further amend section two of the act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws five hundred and twenty-one), entitled as amended "Transfer Inheritance Tax Law" by imposing a graduated tax and following further deductions.

Which was committed to the Committee on Finance.

House Bill No. 2925 (Senate Bill No. 1665), entitled:

An Act to amend section four of the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number ninety-one) entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, jointstock associations, and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties," by changing the time of payment.

Which was committed to the Committee on Finance.

House Bill No. 2926 (Senate Bill No. 1666), entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud, corruption or dishonesty or profit to such councilman, and where the borough is in possession of and uses such fire appartus.

Which was committed to the Committee on Municipal Government.

House Bill No. 6 (Senate Bill No. 1667), entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "Transfer Inheritance Tax Law;" limiting the compensation of registers of wills in the collection of transfer inheritance taxes.

Which was committed to the Committee on Finance.

House Bill No. 1593 (Senate Bill No. 1668), entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance.

Which was committed to the Committee on Appropriations.

House Bill No. 1632 (Senate Bill No. 1669), entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission, for the purpose of rehabilitating, repairing, restoring and reconditioning the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society, and known as "Old Economy."

Which was committed to the Committee on Appropriations.

House Bill No. 1653 (Senate Bill No. 1670), entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance has become non-collectible.

Which was committed to the Committee on Appropriations.

House Bill No. 2043 (Senate Bill No. 1671), entitled:

An Act to amend subsection (v) of section one of article two, and section nine of article five of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "Public Service Law," by requiring telephone corporations and persons engaged in the telephone business to make connections and arrangements to permit telephone conversations between subscribers to the service of certain other such corporations and persons, and to operate and conduct a joint through traffic over the lines so connected, and giving the commission jurisdiction over such service and over the rules, regulations, rates, charges, costs and revenues pertaining thereto.

Which was committed to the Committee on Public Utilities.

House Bill No. 2600 (Senate Bill No. 1672), entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

Which was committed to the Committee on Appropriations.

House Bill No. 2687 (Senate Bill No. 1673), entitled:

An Act establishing a uniform procedure for the exercise of the right of eminent domain by the United States of America or any agency or instrumentality thereof, the Commonwealth of Pennsylvania, and any county, city, town, borough, township, school district, poor district authority or any other agency or instrumentality thereof and said corporations, for the acquisition of property in connection with public works projects.

Which was committed to the Committee on Judiciary Special.

House Bill No. 2708 (Senate Bill No. 1674), entitled:

An Act making an appropriation to the Auditor General, State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawanna.

Which was committed to the Committee on Appropriations.

House Bill No. 2897 (Senate Bill No. 1675), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Which was committed to the Committee on Appropriations.

House Bill No. 2959 (Senate Bill No. 1676), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

Which was committed to the Committee on Appropriations.

House Bill No. 2217 (Senate Bill No. 1677), entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. 603), entitled "An act concerning conditional sales; and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed, shall be judicial records and subject to the control of the court.

Which was committed to the Committee on Judiciary General.

House Bill No. 2120 (Senate Bill No. 1678), entitled:

An Act to amend sections one thousand eight hundred four, one thousand eight hundred nine, one thousand eight hundred eleven, and one thousand nine hundred four of, and to add section one thousand eight hundred twelve to, the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," further providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the city and its agents, and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs; requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs; imposing duties upon the director of accounts and finance; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2520 (Senate Bill No. 1679), entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven, (P. L. 859), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen, (P. L. 521), entitled 'Transfer Inheritance Tax Law,' imposing additional taxes equal to Federal credits," by adding thereto section two; authorizing the payment of estate taxes under protest without prejudicing rights, where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth.

Which was committed to the Committee on Finance.

House Bill No. 2521 (Senate Bill No. 1680), entitled:

An Act to amend section thirteen of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "Transfer Inheritance Tax Law," as amended; authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents, without prejudice to the right of appeal.

Which was committed to the Committee on Finance.

House Bill No. 2523 (Senate Bill No. 1681), entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to, and to amend section one thousand two hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," as amended; authorizing any person, association, corporation or public officer, against whom an account has been settled, or against whom an account may be settled on the basis of a report filed, to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement, without prejudice to the right of resettlement, review or appeal, and authorizing the payment under protest of taxes assessed on the transfer of estates of non-resident decedents without prejudice to the right of appeal.

Which was committed to the Committee on Finance.

House Bill No. 2104 (Senate Bill No. 1682), entitled:

An Act to amend section two hundred and twenty-three of, and to add sections two hundred and twenty-six and two hundred and twenty-seven of the act approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 762), entitled "General Poor Relief Act of 1925" providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor, the Department of Public Welfare, and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2107 (Senate Bill No. 1683), entitled:

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2108 (Senate Bill No. 1684), entitled:

An Act to amend section three hundred forty-five as amended, sections three hundred forty-six, three hundred sixty-one, and three hundred sixty-four of, and to add section three hundred seventy, and section three hundred seventy point one to, the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by counties, and the making of an annual budget on form prepared by representatives of the county commissioners, county controllers and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2207 (Senate Bill No. 1685), entitled:

An Act to amend clause four of section seven hundred and two and clause five of section nine hundred five of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection, and requiring the levy of a tax for fire protection.

Which was committed to the Committee on Municipal Government.

House Bill No. 2514 (Senate Bill No. 1686), entitled:

An Act creating the Commonwealth institutions authority; providing for its powers and duties; authorizing it to acquire hold and develop lands used or useful for or in connection with arsenals, armories, military reservations, airports, landing fields, hospitals, normal schools, teachers' colleges and penal or correctional institutions and related projects; authorizing it to construct buildings or improvements on such lands and to reconstruct, improve, alter, extend and maintain and to lease the same and to fix and collect fees, rentals and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor.

Which was committed to the Committee on State Government.

House Bill No. 2271 (Senate Bill No. 1687), entitled:

An Act making an appropriation to the Trustees of the Duquesne University, Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL NO. 768

He also returned to the Senate, Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system; and making an appropriation.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1309

He also returned to the Senate, Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction, reconstruction or maintenance, under certain terms and conditions, of free bridges across the Delaware River; granting certain powers to the Department of Highways in connection with the construction, reconstruction or maintenance of such bridges and aproaches thereto; and making an appropriation

with the information that the House has passed the same without amendment.

SENATE BILL NO. 1346 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1346, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number seventy-five) (P. L.), entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the installment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

REPORTS FROM COMMITTEES

Mr. CLARK, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 912 (House Bill No. 1588), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 913 (House Bill No. 1589), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 914 (House Bill No 1590), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 915 (House Bill No. 1592), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 916 (House Bill No. 1596), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensaion from the Fish Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 917 (House Bill No. 1597), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 918 (House Bill No. 1599), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 919 (House Bill No. 1606), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

Also from the Committee on Appropriations, re-reported as committed, Senate Bill No. 920 (House Bill No. 1607), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways

Mr. THOMPSON (Westmoreland), from the Committee on Judiciary General, reported as committed, Senate Bill No. 1403 (House Bill No. 1115), entitled:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee

Mr. REED (Dauphin), from the Committee on Municipal Government re-reported as committed, Senate Bill No. 1170 (House Bill No. 1522), entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of non-payment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1126 (House Bill No. 2225), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

RESOLUTION RELATIVE TO APPOINTMENT OF COMMITTEE TO INVESTIGATE PITTSBURGH RIPPER BILL

Mr. BATCHELOR. Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution No. 1, Printer's No. 580.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the Senate, June 3, 1935.

Whereas There was introduced into the General Assembly a bill commonly known as the Pittsburgh Ripper Bill that if enacted into law will abolish the office of Mayor in the City of Pittsburgh and

Whereas The real purpose of this bill seems to be to remove the Honorable William McNair from the office of Mayor of the City of Pittsburgh by legislative authority nothwithstanding that he could be removed by appropriate legal proceedings if found guilty of malfeasance in office or that he had been elected to the office of Mayor at the preceding election by a large majority of the votes cast or that a newspaper poll taken after the introduction into the General Assembly of the above mentioned bill indicated that a large majority of the voters were still desirous of having him as their chief executive and

Whereas The real objection to having the said William McNair serve as Mayor for the full term to which he had been elected seems to be that his independence in the administration of his official duties especially his dispensing of political patronage is not satisfactory to the Democratic organization of that City and

Whereas Various newspapers circulating in Pennsylvania have published news items and have given considerable editorial space to the above mentioned bill generally agreeing that all the Democratic Senators will support the bill and inferring if not actually alleging that in order to secure the votes of seven Republican Senators necessary to have the bill pass that parties having at their disposal political patronage were offering Republican Senators jobs or positions for their friends or constituents in return for votes to have the said bill reported out of committee and for final passage in the Senate and

Whereas This seems to be a serious reflection on the honesty and integrity of members of the Senate therefore be it

Resolved That the President pro Tempore of the Senate appoint a committee consisting of three Senators to investigate the charges made by various newspapers as to the methods used to secure the passage of said bill and of all lobbying done in the interest of this bill or of any offer made to any member of the General Assembly for his or her support in favor of said bill and to all other matters in connection therewith The said committee to make a report of its findings to the Senate for such action as may seem desirable And be it further

Resolved That the said committee shall have power to issue subponeas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary

Such subpoenas may be served upon any person and shall have the force and effect of subponeas issued out of the courts of the Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the Senate agree to the resolution?

Mr. McGINNIS. Mr. President, if there is to be an investigation of lobbying in the Senate I propose that we have a real investigation of lobbying:

Mr. President, I offer the following amendment:

Amend page 2, paragraph 3, by striking out all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and inserting in lieu thereof the following: Resolved That the President pro Tempore of the Senate appoint a committee consisting of three Senators, two of whom shall be Republicans and one of whom shall be a Democrat, to investigate the charges made by various newspapers as well as the numerous rumors as to the methods used to secure the passage or defeat of said bill, the Chain Store Tax Bill, the Full Crew Bill, the Short Train Bill, the Utility Tax Bill, the Graduated Income Tax Bill, and the Gasoline Tax Bill and of all lobbying done in the interest of the passage or defeat of any or all of said bills or of any offer made to any member of the General Assembly for his or her support for the passage or defeat of any or all of said bills and to all other matters in connection therewith. The said committee to make a written report of its findings to the Senate for such action as the Senate deems desirable. And be it further

Mr. REED (Washington). Mr. President, I second the amendment.

On the question,

Will the Senate agree to the amendment?

Mr. BATCHELOR. Mr. President, I object to these amendments for this reason: The Senator from Allegheny, Mr. McGinnis, says he wants the matters investigated that he has indicated. If he does want them investigated he can introduce another resolution; I object to the insertion of these amendments in this resolution, because this refers to a particular matter and, I think, should be kept separate.

Mr. McGINNIS. Mr. President, this amendment is germane to the original resolution.

Mr. HARRIS. Mr. President, I fully agree with the Senator from Beaver, Mr. Batchelor. I would vote for a separate resolution of the kind proposed in the amendments by the Senator from Allegheny, Mr. McGinnis; I do not think they ought to be inserted in the original resolution because it would cause confusion, it would only confuse the issue. You cannot investigate all of these things at the one time; but I propose to go to the bottom of the investigation of this matter of the Pittsburgh Ripper. It is a vital thing to the people of Pittsburgh, and should not be confused with any other issue. If the Senator from Allegheny, Mr McGinnis, will prepare a separate resolution, he will have my full cooperation and support on the passage of it; because I believe that any bill here that has the support of anyone whose methods are improper or illegal—the illegal methods should be investigated. But this resolution should be acted on separately and distinctly. It is of vital importance. I do not think that the people outside of Pittsburgh realize just how important this is; and I would suggest to the members of the Senate that they vote down these amendments, vote for the resolution as originally presented, and then request the Senator from Allegheny, Mr. McGinnis, to prepare another resolution for the investigation into any matters he wants investigated. Now, let us not confuse this issue; let us do one thing at a time. Let us investigate this matter, and then, if there is another bill—if it is chain stores—make that the subject of another resolution, and go into it separately.

And I suggest, also, that these investigations need not end when this session ends, but can continue on after the session; and let the resolution read that they shall continue after we adjourn here if there is any question on which we cannot do a proper job in the short time remaining.

Now I suggest that we vote down these amendments, and vote for the resolution.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Beaver, Mr. Batchelor.

The PRESIDENT. Will the Senator from Beaver, Mr. Batchelor, permit himself to be interrogated?

Mr. BATCHELOR. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, what assurrance do we have that if the Senator from Allegheny, Mr. McGinnis, withdraws the amendments, and introduces a resolution, that that resolution will be brought on the floor of this Senate?

Mr. BATCHELOR. Mr. President, is the Senator from Fayette, Mr. Cavalcante, asking me that question?

Mr. CAVALCANTE. Mr. President, I take it, in respect to the last retort, it was not the Senator from Beaver, Mr. Batchelor, who suggested the introduction of a new resolution I think the question is proper.

Mr. BATCHELOR. Mr. President, my answer is the same as this one to the Senator from Allegheny, Mr. McGinnis: I promise to support such a resolution. In answer to the Senator from Fayette, Mr. Cavalcante, as far as I am concerned I will support any resolution that asks for an inquiry into any matter in which the honesty and integrity of any of the members of the Senate is at stake; and if this committee is authorized—and I am a member of the committee—I promise you I will be glad to receive any information whatsoever that will throw any light on this matter, and let the chips fall where they may.

Mr. CAVALCANTE. Mr. President, may I ask same question of the Senator from Pittsburgh, Mr. Harris?

Mr. HARRIS. Mr. President, to begin with I would say to the Senator from Fayette, Mr. Cavalcante, that I am a resident of Grafton, Pennsylvania, and not of Pittsburgh.

Mr. CAVALCANTE. Mr. President, what interest, then, has the Senator from Allegheny, Mr. Harris, in Mr. McNair's ripper?

Mr. HARRIS. Mr. President, seven wards of my district are in the City of Pittsburgh, and I represent those people as well as the people outside.

Mr. CAVALCANTE. Mr. President, what assurance have we that when the new resolution is adopted the committee will report it to this floor so we may vote for it?

Mr. HARRIS. Mr. President, I will ask the Senator from Fayette, Mr. Cavalcante, to repeat his question.

Mr. CAVALCANTE. Mr. President, what assurance have we in this Senate that after the Senator from Allegheny, Mr. McGinnis, introduces a resolution it will be reported to the floor and we can vote on it?

Mr. HARRIS. Mr. President, if he will take his blue book and find the chairman of the committee to which this will go—we do not know yet where it will go to—and make a canvass of the members of the committee and find a majority of the members say they will support the resolution, then he will get his answer; but if he asks me if I can assure him that it will come out, I will certainly have to brand that as a very foolish question.

Mr. CAVALCANTE. Mr. President, if the resolution is not reported out in seasonable time will the Senator from Allegheny, Mr. Harris, then vote for the discharge of the committee?

Mr. HARRIS. Mr. President, having had plenty of practice at that—four times last week—I say to the Senator from Fayette, Mr. Cavalcante, I certainly will do that.

Mr. CAVALCANTE. Mr. President, may I ask the Senator from Beaver, Mr. Batchelor, if he will do the same thing?

Mr. BATCHELOR. Mr. President, we now have a resolution in there, I believe, introduced to investigate the charges made by the Governor as to lobbying on the chain store tax. I assure the Senator from Fayette, Mr. Cavalcante, I will vote for that resolution as well as for any resolution to discharge a committee from further consideration of a resolution.

Mr. CAVALCANTE. Mr. President, the question is whether the Senator from Beaver, Mr. Batchelor, will vote to discharge the committee if the committee does not report the resolution out in reasonable time, so it can be adopted by this Senate.

Mr. BATCHELOR. Mr. President, I will say to the Senator from Fayette, Mr. Cavalcante, that when I came to the Senate I made no promise to any person at all. I refused to answer any questionnaire, and I came down here as an absolutely free agent.

I might further say to him that I will continue to act absolutely as a free agent; I will make no promises to him about any matter whatsoever.

Mr. CAVALCANTE. Mr. President, do I understand, then, that the Senator from Beaver, Mr. Batchelor, did not make a promise to vote for the resolution?

Mr. BATCHELOR. Mr. President, which resolution is the Senator from Fayette, Mr. Cavalcante, talking about?

Mr. CAVALCANTE. Mr. President, Senator McGinnis' resolution, that the Senator from Beaver, Mr. Batchelor, suggested he introduce.

Mr. BATCHELOR. Mr. President, that is a promise made right here in the open, and I told him I would vote for that, as I will vote for any other proper resolution that comes before this Senate.

Mr. McGINNIS. Mr. President, if I thought this written resolution was offered in good faith, and was not political, I would have no confusion about it; but here is a resolution about lobbying with regard to one bill, and I am sure every Senator will agree with me there has been a great deal more lobbying on this floor against this bill than for it; and it strikes me rather strangely that Senators on the other side, who have been here for some time, get all stirred up about lobbying. If they wanted to break up lobbying in this Chamber, I am sure they would have started earlier in the session of the Legislature, because we know that this present Chamber, as well as the other side of the house, has been infested with lobbyists—and not from ordinary people but from the powers that be; and here comes along a little innocent bill, that affects only the City of Pittsburgh, and the Senators on the other side seem to get very much aroused about what might happen. Therefore, a resolution is offered to investigate only one side of the lobbying. My amendment proposes that the other side of lobbying, on the other bills, be investigated. While we are started on the subject of lobbying let us not camouflage, let us do a real job; let us clean all the lobbyists out of the Chamber and stop it on all bills. That is the purpose of this amendment, and I ask for a roll call on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. McGINNIS and Mr. LAW, and were as follows, viz:

YEAS—19

Aron,	Mallery,	Reed,	Rupp,
Baumer,	McCreesh,	(Washington)	Sones,
Cavalcante,	McGinnis,	Rice,	Thompson,
Frey,	Miller,	Roberts,	(Centre)
Huffman,	Rankin,	Rodgers,	Trainer,

NAYS—29

Batchelor,	Gelder,	McClure,	Salus,
Bean,	Graff,	Norton,	Shapiro,
Bennett,	Harris,	Owlett,	Sordoni,
Buckman,	Harvey,	Pierson,	Staudenmeier,
Chapman,	Homsher,	Prince,	Thompson,
Clark,	Howell,	Pytko,	(Westmoreland)
Coyne,	Hunsicker,	Reed,	Woodward,
Ealy,	Kahle,	(Dauphin)	

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the resolution?

Mr. THOMPSON. Mr. President, speaking on the resolution as it is now before the Senate, I am afraid that if I am to be given just a limited power and must ignore the lobbying activities of the chain stores, the utilities, the railroads—all the other interests that have spent so much time in the past six months in the Hall of this Senate; if I have to limit my activities to the investigation of one very meager lobby, I am very much afraid I must vote against the resolution.

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. McGINNIS and Mr. FREY, and were as follows, viz:

YEAS—31

Aron,	Gelder,	Mallery,	Rodgers,
Batchelor,	Graff,	Norton,	Salus,
Bean,	Harris,	Owlett,	Shapiro,
Bennett,	Harvey,	Pierson,	Staudenmeier,
Buckman,	Homsher,	Prince,	Thompson,
Chapman,	Howell,	Rankin,	(Westmoreland)
Clark,	Hunsicker,	Reed,	Woodward,
Coyne,	Law,	(Washington)	Ziesenhelm,
Ealy,			

NAYS—18

Baumer,	McClure,	Reed,	Sones,
Cavalcante,	McCreesh,	(Dauphin)	Sordoni,
Frey,	McGinnis,	Rice,	Thompson,
Huffman,	Miller,	Roberts,	(Centre)
Kahle,	Pytko,	Rupp,	Trainer,

So the question was determined in the affirmative.

BILL ON CONCURRING IN HOUSE AMENDMENTS—RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 214 (House Bill No. 89), entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrnce of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend title, page 1, line 1 by inserting after the word "race" the word "creed".

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I move that Senate Bill No. 1088 (House Bill No. 2053), on concurring in House amendments, entitled:

An Act to amend routes numbers six hundred and thirty-nine and seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON CONCURRING IN HOUSE AMENDMENTS—RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1117 (House Bill No. 1286), entitled:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board and conferring jurisdiction to enjoin violations of the act providing for the granting of licenses to widows nonresidents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition terms and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend title, page 1, line 13, by striking out the words "method of enjoining" and inserting in lieu thereof the following: "and conferring jurisdiction to enjoin"; also secton 10, page 3, by striking out the light-faced bracket in front of the word "applicant" in line 12, and also after the word "by" in line 13; also line 13, by striking out the words party aggrieved by a decision of"; also line 24 by striking out all of line 24 after the word "Board" as well as line 25 and the words "other party in interest" in line 26; also section 12, page 6, by striking out the following:

"including the regulation of names of persons firms or corporations the raising of educational and other requirements of apprentices and prescribing additional grounds for revocation or suspension of licenses and the method for the restoration thereof and such other matters"; also by inserting at the end of line 23 the following: "and the board may require an embalming school training of apprentices in addition to other requirements"; also page 9 by striking out after the word "may" in line 18 the words "appoint or"

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended requiring county superintendents to call meetings of public school teachers for the purpose of instruction the expenses thereof to be paid by the school district

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend title, page 1, line 13, by striking out after the word "amended" the following: "providing for meetings of teachers"; also by inserting after the last line of the title the following: "requiring county superintendents to call meetings of public school teachers for the purpose of instruction the expenses thereof to be paid by the school district"

On the question,

Will the Senate agree to the amendment?

Mr. CHAPMAN. Mr. President, I ask that the Senate non-cur in the amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—14

Cavalcante,	McGinnis,	Reed,	Rodgers,
Frey,	Miller,	(Washington)	Rupp,
Kahle,	Pytko,	Rice,	Thompson,
McCreesh,	Rankin,	Roberts,	(Centre)

NAYS—32

Aron,	Ealy,	McClure,	Shapiro,
Batchelor,	Gelder,	Norton,	Sones,
Baumer,	Graff,	Owlett,	Sordoni,
Bean,	Harris,	Pierson,	Staudenmeier,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Reed,	(Westmoreland)
Chapman,	Howell,	(Dauphin)	Woodward,
Clark,	Hunsicker,	Salus,	Ziesenheim,
Coyne,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 114, entitled:

An Act making an appropriation to the Trustees of Lincoln University Chester County

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1, page 1, line 4, by striking out after the preposition "of" the words "one hundred and"; also same line by striking out the numerals "($150,000)": also line 5 by inserting at the beginning of the line the figures "($50,000.00)"

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 547, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party

or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1, page 2, line 17 by adding at the word "highway" the following: "Provided however that;" also line 22 by adding after the word "public" the following: "and should be vacated"; also line 27 by inserting at the beginning of the line the following: "portion of highway or owning or leasing property to which the abandoned portion of highway furnished access and the posting of notices in at least three (3) conspicuous places along such portion of"; also line 6, page 3 by striking out after the word "within" the words "six months" and inserting in lieu thereof the words "one year".

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1296, entitled:

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title, page 1 line 8 by striking out after the word "title" the words "and providing" and inserting in lieu thereof the words "extending the time"; also by adding after the last word of the title the following: "excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent"; also section 1, page 3, line 9 by inserting after the word "delinquent" the following: "and if such current taxes are not paid before they become delinquent then any penalties and interest abated on any instalment of delinquent taxes theretofore paid shall be added to the ramaining installments of unpaid delinquent taxes"; also line 16 by striking out the word "august and inserting in lieu thereof the word "November"; also line 26 by adding after the word "years" the following: "at any time on or before November first one thousand nine hundred and thirty-five"; also line 27 by adding after the end of the line the following: "and in such cases payment of current taxes shall not be required"; also page 4, line 4 by adding after the end of the line the following: "or where real property has been sold to a county city borough township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired"; also page 4 by inserting the following paragraph after line 8: "For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax".

On the question,

Will the Senate agree to the amendment?

Mr. HOWELL. Mr. President, I ask that the Senate concur in the amendment.

And on the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 826 (House Bill No. 1278), entitled:

An Act limiting the mileage cost for return of subpoenas in criminal cases to the trips actually made and imposing certain duties on controllers and district attorneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the officer or individual who has served subpoenas issued by the district attorney for any term of court shall make return thereof as required by law he shall be required to return all subpoenas received within a reasonable time prior to such return day at one and the same time and in making such return of subpoenas he shall receive mileage only for trips actually and necessarily made in returning such subpoenas and not mileage on each separate subpoena re-

turned In order to carry into effect the provisions of this section the district attorney in issuing subpoenas shall so far as conveniently may be mailed or cause to be delivered subpoenas going to the same officer or individual for a term of court at one and the same time

Section 2 No officer or person returning subpoenas issued by the district attorney shall receive payment for such service unless his bill is approved by the county controller and where there is no controller by the district attorney whose duty it shall be to enforce the provisions of section one of this act

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I move that Senate Bill No. 1527, on final passage entitled:

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1601, as follows:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "corporation" as used in this act shall be construed to include a corporation joint-stock association limited partnership company bank bank and trust company trust company title insurance company title insurance and trust company national banking association insurance company insurance association insurance exchange and a political subdivision of the Commonwealth

Section 2 Any corporation which is liable to the payment of taxes or required to deduct taxes and pay over the same under the provision of any law imposing (a) a tax on the capital stock or a franchise tax on the taxable value of the capital stock of corporations (b) a tax on gross receipts derived from business done wholly within this State by public utility corporations (c) a tax on indebtedness issued assumed or on which interest is paid by corporations (d) a tax on shares of stock of banks and title insurance and trust companies or (e) a tax on gross premiums derived from insurance business in this Commonwealth shall have authority to pay such taxes or any portion thereof into the State Treasury in advance of the due date thereof and upon such advance payment to be entitled to receive a discount of four per centtum (4%) per annum on the amount of tax so paid which discount shall be calculated from the date of the advance payment of the tax to the date such taxes actually become due as ascertained by reference to the date when such taxes are actually settled and the time allowed by law for payment after settlement

Section 3 Such advance payment may be made on any tax to become due and payable on any report or reports to be filed during the calendar year one thousand nine hundred thirty-six for the calendar year one thousand nine hundred thirty-five or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-five except in the case of taxes on gross receipts from public utility business in which case such advance payment may be made on reports to be filed on or before August first one thousand nine hundred thirty-six and February first one thousand nine hundred thirty-seven for the preceding six months ending June thirtieth one thousand nine hundred thirty-six and December thirty-first one thousand nine hundred thirty-six respectively

Section 4 In order to receive the benefits of this act any corporation may estimate the amounts of the tax or any portion thereof which it deems it will become liable to pay under the provision of any revenue act referred to in section two of this act on reports referred to in section three of this act file such estimate with the Department of Revenue and concurrently therewith pay into the State Treasury through the Department of Revenue on or before December fifteenth one thousand nine hundred thirty-five the amount of tax or any portion to which it agrees it will become liable Such estimates shall be made on forms prepared and furnished by the Department of Revenue Upon the receipt of any such advance payment of tax the Department of Revenue shall establish a credit on its books with respect to the proper tax and the proper report to be thereafter filed in favor of the corporation paying the same to the amount paid on account In the adjustment and settlement of the tax accounts of the corporation on future reports filed proper credits shall be allowed on each tax on which an advance payment has so been made The department shall issue its receipt evidencing payment on account of taxes under the provisions of this act which shall show the amount of tax paid in advance and the total credit established on the books of the department At the time a corporation finally pays any balance due on any taxes on which an advance payment was made the discount for the advance payment shall be allowed by the Department of Revenue and be deducted from the balance due by the corporation

Section 5 In a case where any corporation paying taxes in advance under the provisions of this act shall pay an amount for any tax period in excess of the amount thereafter found to be legally due after the deduction of the discount allowed by this act the Department of Revenue or the Board of Finance and Revenue as the case may be shall establish a credit for such over-payment to the account of the corporation and issue to the corporation a certificate thereof which may be applied against any account due or to become due the Commonwealth

Section 6 This act shall not be construed to apply to taxes payable (a) by corporations organized for manufacturing purposes for laundering or for the processing and curing of meats their products and by-products under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number

eighty-six) or (b) by corporations under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number ninety-one) nor shall this act be construed to apply to the six mill increase of the tax on gross receipts imposed under the provisions of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act Number eighty-nine)

Section 7 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Daly,	McClure,	Rice,	Woodward,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	

NAYS—2

Miller,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1602, as follows:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

Whereas At the Regular Session of one thousand nine hundred and thirty-five several laws were adopted to provide additional revenues for the Commonwealth during a two year period in order to finance unemployment relief and balance the budget for the fiscal biennium one thousand nine hundred and thirty-five one thousand nine hundred and thirty-seven and

Whereas The bulk of these taxes assessed is not payable until the months of March April and May in the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and therefore these revenues are not immediately available for use and

Whereas In order to provide moneys for the treasury it is deemed proper to provide a discount on certain of these taxes if paid in whole or in part in advance therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "corporation" as used in this act shall be construed to include corporations joint-stock associations limited partnerships and companies

Section 2 (a) Any corporation organized for manufacturing purposes for laundering or for the processing and curing of meats their products and by-products which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-six) is required to pay a tax on its capital stock or a franchise tax upon a taxable value of its capital stock and (b) any corporation which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number ninety-one) is required to pay an excise tax on net income and (c) any corporation which by the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-nine) is required to pay an increased tax on gross receipts derived wholly from business done within this State shall have authority to pay such taxes or such increased taxes as the case may be or any part thereof into the treasury of the Commonwealth through the Department of Revenue in advance of the due date thereof and be entitled to receive a discount of four per centum (4%) per annum on the amount so paid which discount shall be calculated from the date of the advance payment to the date when such taxes actually become due as ascertained by reference to the date when such taxes are actually settled and the time allowed by law for payment after settlement or the date fixed by law for payment as the case may be

Section 3 Such advance payment of taxes may be made on any of said taxes to become due and payable (a) under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-six) by Corporations on reports filed as of March fifteenth one thousand nine hundred and thirty-six for the calendar year one thousand nine hundred and thirty-five or the fiscal year begining in the calendar year one thousand nine hundred and thirty-five and on reports filed as of March fifteenth one thousand nine hundred and thirty-seven for the calendar year one thousand nine hundred and thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-six

(b) Under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number ninety-one) by corporations on reports filed as of April fifteenth one thousand nine hundred and thirty-six for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five and on reports filed as of April fifteenth one thousand nine hundred and thirty-seven for the calendar year one thousand nine hundred and thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-six and (c) on the increased tax of six mills under the provisions of the act of May sixteenth one thousand nine hundred and thirty-five (Act Number eighty-nine) on reports filed as of February first one thousand nine hundred and thirty-six July first one thousand nine hundred and thirty-six and February first one thousand nine hundred and thirty-seven

Section 4 In order to receive the benefits of this act any corporation may make any estimate of the amount of the tax or any part thereof which it deems it will become liable to pay under the provisions of any revenue act referred to in this act file such estimate with the Department of Revenue and pay into the State Treasury through the Department of Revenue on or before December fifteenth one thousand nine hundred and thirty-five the amount of tax or any part thereof to which it agrees it will become liable Such estimates shall be made on forms prepared and furnished by the Department of Revenue Upon the receipt of any such advance payment of tax the Department of Revenue shall establish a credit on its books with respect to the proper report to be thereafter filed in favor of the corporation paying the same to the amount of tax paid on account and in the settlement of the tax accounts of the corporation on future reports filed proper credits shall be allowed on each settlement on which an advance payment has been so made The Department shall issue its receipt evidencing payment on account of taxes under the provisions of this act which shall show the amount of tax paid in advance and the total credit established At the time the corporation finally pays any balance due on any taxes on which an advance payment was made the discount for the advance payment shall be allowed by the Department of Revenue and be deducted from the balance due by the corporation

Section 5 In any case where any corporation paying taxes in advance under the provisions of this act shall pay an amount for any tax period in excess of the amount thereafter found to be legally due after the deduction of the discount allowed by this act the Department of Revenue or the Board of Finance and Revenue as the

case may be shall establish a credit for such overpayment to the account of the corporation and issue to the corporation a certificate thereof which may be applied against any account due or to become due the Commonwealth

Section 6 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Norton,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bennett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson, (Centre)
Cavalcante,	Hunsicker,	Reed, (Dauphin)	Thompson, (Westmoreland)
Chapman,	Kable,	Reed, (Washington)	Trainer,
Clark,	Law,	Rice,	Woodward,
Coyne,	Mallery,	Roberts,	Ziesenheim,
Ealy,	McClure,	Rodgers,	
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—2

Miller,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILLS ON THIRD READING GIIVEN PREFERENCE

Mr. BUCKMAN. Mr. President, in the consideration of bills on third reading today I move that preference be given to Senate Bills in their order.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 180, entitled

An Act making it unlawful for any water company to discontinue the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs and towns and townships and prescribing penalties and providing for enforcement by the Public Service Commission

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. BEAN. Mr. President, I ask unanimous consent to amend the title by inserting in the first line after the word 'unlawfufl" the words "under certain conditions"; and in line 1 of the title add the words "to any municipality"; the title will then read: "Making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes, providing for the collection of water rates from cities, boroughs, towns and townships, and prescribing penalties"; also amend section 1, line 11, by adding the words: "; without first having secured the approval of the Public Service Commission of the Commonwealth of Pennsylvania evidenced by its Certificate of Public Convenience authorizing discontinuance of such service"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

The PRESIDENT. The Chair is informed that Senate Bill No. 707, on third reading entitled:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations doing any outdoor advertising by means of billboards signs or structures and the issuing of permits for the erection use and maintenance thereof levying an excise tax for the use of the Commonwealth prescribing the location in which said billboards signs and structures may be located and providing penalties

is being reprinted to correct typographical errors and will be here later in the day. The bill will therefore go over in its order.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1142, on third reading, entitled:

An Act providing for the establishment in counties of the first class of different rates of taxation on land and the improvements thereon by means of separate assessments of the land values and the values of improvements on or in the land and a sliding scale for apportioning the percentages of the total amount of revenue from taxes upon real property to be borne by unimproved land and improvements on or in the land from the year one thousand nine hundred and thirty-seven to the year one thousand nine hundred and forty-eight and thereafter

be recommitted to the Committee on Municipal Government.

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, I desire to interrogate the Senator from Philadelphia Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. McGINNIS. Mr. President, what is the purpose of having this bill recommitted?

Mr. SHAPIRO. Mr. President, I am moving to recommit the bill for the purpose of further study. That bill upsets the system of taxation in Philadelphia; it changes our whole method of taxing, that we have used for years, and makes compulsory a system of taxation which should never be imposed on a community without regard to their ability to take care of the indebtedness. We would never be able to cover our existing indebtedness, no matter what the indebtedness was.

Mr. McGINNIS. Mr. President, this is similar to the law we have in Pittsburgh, known as the Graded Tax Bill. It was passed in 1913, and is a graded tax on land, increasing the taxation on land values. So, since 1925, in

Pittsburgh, the tax on land or land values has been twice the tax on buildings or improvements.

This bill provides a similar change in the taxation of Philadelphia; it provides for it gradually each year until the year 1948. I am frank to say that this bill is based on the Single Tax, but I do not think that we ought to be afraid of that—just because it is based on the Single Tax theory of taxation.

I am sure that every Senator on this floor realizes that during the past several months we have been dealing with taxation, and I am sure that every Senator reluctantly taxed every industry and every business that was taxed. Of course, some people say it does not make a bit of difference whether we tax land or whether we tax buildings or industry; but to my mind, Mr. President, it makes all the difference in the world, because if you increase taxes on land it will get cheaper, increase the taxes on anything else under the sun and it will get dearer. Now, who shall be taxed? Increase the tax on land and you will drive it into use; increase the tax on anything made by hand—I do not care what it is—and you will drive it out of use. At one time in France they taxed houses according to the number of windows, and they built houses in France without a single window. You increase the tax on every lot in Harrisburg tonight, and I will guarantee the price will go down tomorrow morning; but if you increase the tax on anything in Harrisburg made by hand—a suit of clothes, for instance—and I will guarantee the price will go up tomorrow morning.

Increase the taxation on land and you do not change the quantity one iota; increase the taxes on anything else under the sun, that is made by hand, and you decrease the quanity and deny those things to human beings. In Pennsylvania and in every other State in this Union if you rob a chicken coop you are fined once for it; but if you build a chicken coop in Pennsylvania you are fined every year for it. If you have a lot in the heart of our cities that may be worth millions of dollars, covered with tin cans—an eyesore—you pay very little tax; whereas the next lot to it may have a skyscraper on it, and the man who put up that skyscraper is fined heavily every year for it; and I say, Mr. President, it is better in every city to have skyscrapers, to have decent buildings on which there are no taxes, than to have vacant lots covered with tin cans.

In the City of Pittsburgh, for instance, I will give you one occupant, at Kaufmann's Corner. Kaufmann's genius in business rendered that lot so valuable that he paid a thousand dollars a day on that lot. They put up their own store; they employed five thousand clerks; and yet the owner of the land does not turn his hand, though he draws a thousand dollars a day from that business. Under this bill most of that thousand dollars a day would go into the public treasury of the City of Pittsburgh.

Now, of course, you raise your hands and say, "But this is Single Tax!" but I want to say to you that Henry George wrote "Progress and Poverty" about fifty years ago and today "Progress and Poverty" has a wider circulation than any book on the globe except the Bible; it is published in every town. So he must have said something; it surely was not all clap-trap. And I am sure the law we have in Pittsburgh, known as the "Graded Tax Law," is one of the best laws the city has ever had. They tried, for the first few sessions after the Act was passed, to come down here and have it repealed; but since that time they have ceased their efforts, and today in Pittsburgh—the Senators from Pittsburgh will bear me out—that law worked out most satisfactorily. It has turned the Schenley Farms, where cows used to graze, into an improved district. Land values, that the people themselves created, forced the owners of those farms in the City of Pittsburgh to turn them into buildings for human dwellings—instead of leaving the land as pasture for a few cows.

And so, Mr. President, I am sure that if this bill were to be passed for the City of Philadelphia it would compel every vacant lot in the City of Philadelphia to be built up and used for the purpose it was intended to be used for. The idea of holding lots out of use, away from humanity, so that the increase of population will increase the value, is wrong. Did you know that if you take the census of every city in the United States every ten years you will find that every baby is born—

The PRESIDENT. Let us have order down in the rear end of the Senate Chamber, please.

Mr. McGINNIS. Mr. President, if you follow the census of every city in the United States you will find the population increase every ten years, in the centers of population—you will find that for every baby born the owner of the land has increased about a thousand dollars, I do not know what the ratio is in Philadelphia, but in Pittsburgh, for all our skyscrapers, for all our magnificent buildings, for all our wealth that is on top of the ground, the wealth in the ground itself is as much as all the wealth on top of it.

And so we in Pittsburgh do not fine those people, for building a home, more than 50%. To my mind it would be better not to fine them at all. But in Pittsburgh we are wise enough not to fine a man 100% for building a home; we fine him only 50%. We do fine a man having a piece of land, a valuable site, a home site, a business site, held out of use, because he is withholding from humanity the use of that land.

Henry George said, at the conclusion of "Progress and Poverty", "The truth I have tried to make clear will not find easy acceptance. If that could be, it would have been accepted long ago. If that could be it would unquestionably have been obscured. But it will find friends, —those who will toil for it, fight for it, if need be die for it. This is the power of truth."

Mr. WOODWARD. What I cannot understand is why a Senator from a second class county is legislating for us in a first class county. We are very happy in our backward method of assessing land values and improvements thereon; and while I have great respect for the Senator from Allegheny, Mr. McGinnis, it seems to me it is out of place for him, coming from a second class county, to instruct us, coming from a first class county.

Mr. McGINNIS. Mr. President, I cannot believe that the City of Philadelphia is satisfied with its present condition, its present taxation methods. I am sure, if you could travel to the City of Philadelphia, you would be ashamed of the slums, of the tumble-down shacks that are not fit for human beings to live in; and I cannot believe that Philadelphia is still contented, even though it is corrupt.

And I will guarantee the good Senator from Philadelphia, Mr. Woodward, that if this bill is passed, by 1948 there will not be a slum down there.

Mr. SHAPIRO. Mr. President, I would like to inquire a little further, if not directly from the Senator who just spoke, and wonder why, if Henry George, who lived in

hope and died in despair why, if he is taking up the cudgels for Henry George, the gentleman does not make it why he picks on Philadelphia, both in tax measures and in words in the Senate, calling it corrupt—without anything to back up such a statement—I do not know.

I oppose this bill because, as I say, it will upset our system of taxation, and prevent us from acquiring the money to run our city government. This bill provides that in counties of the first class the value of each piece of land shall, for the purpose of this law, be deemed to be that which it would have if it were wholly unimproved. And it then proceeds to set up a method of taxation not from the land at a certain value but to receive from the properties 60% of the revenue from the value of the land and 40% from the improvements. There are some properties in Philadelphia of which the land is worth five times as much as the buildings; other properties where the buildings are worth ten times the value of the land.

In Philadelphia we assess the land at so much per square foot, depending on the neighborhood and the replacement value of the buildings. We do it on the basis of what the whole piece of property is worth. This might be all right in a small city like Pittsburgh, where the property, where they can afford to fool around with their system of taxation; and, coming, as it does, from the gentleman from Pittsburgh, furthering the theory of a man whom they have been trying to oust from the office of Mayor of Pittsburgh, I am surprised. I am informed that this is one of Mayor McNair's pet theories—the Single Tax; and this is one of the reasons, as I understand it, that they want to oust him; and after the gentleman has so far forgotten himself as to want to delve into for another argument to oust Mayor McNair.

I suggest, Mr. President, that this bill all the delegates on this side of the house are opposed to this bill, because we think it is an unscientific method of taxation, in spite of Henry George and his strenous constituents.

Mr. McCREESH. Mr. President, I would just like to say that Philadelphia is very much in favor of this bill. On my desk, this morning, I have about 300 telegrams for the bill, and one in particular is from Dr. McCallum of the Presbyterian Church at 39th and Walnut Streets, who says, "Right in front of our church now a beautiful property has been torn down, and they have a junk yard there."

I think perhaps it is ignorance on Dr. Woodward's part, or Senator Shapiro's; and that perhaps they do not understand the conditions in Philadelphia; but today we are very much opposed to tearing down properties in Philadelphia and having the ground used as a junk yard or for some other purpose; and I do hope that the good Senators from Philadelphia will change their minds once in a while, and let us have their vote "aye" from every Senator in this Chamber. I ask for a roll call, Mr. President.

The PRESIDENT. The Senate will please understand that the motion before the Senate is a motion to recommit.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesch, permit himself to be interrogated?

Mr. McCREESH. Mr. President, it would be useless to answer the Senator from Philadelphia, Mr. Shapiro, because he has got his mind, perhaps, made up.

The PRESIDENT. That settles that.

Mr. SHAPIRO. Mr. President, for the purpose of the record I would like to state—

Mr. McCREESH. Mr. President, let me tell you this is a recommit, and I would ask the Senators to vote "no".

Mr. SHAPIRO. Mr. President, for the purpose of the record I merely wish to state that I desire to inquire of the Senator from Philadelphia, Mr. McCreesh, whether the charge of ignorance he has made against me is one that is specific or general.

Mr. McGINNIS. Mr. President, seriously on this bill,—this bill is no different from the Pittsburgh graded tax bill—

The PRESIDENT. The Chair has been lenient with both sides with regard to the discussion on this matter, but let the Chair call to your attention that you are not discussing the motion before the Senate. The motion is to recommit.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. McCREESH and Mr. FREY and were as follows, viz:

YEAS—32

Aron,	Gelder,	Norton,	Shapiro,
Batchelor,	Graff,	Owlett,	Sordoni,
Bean,	Harris,	Pierson,	Staudenmeier.
Bennett,	Harvey,	Pytko.	Thompson,
Buckman,	Homsher,	Rankin,	(Westmoreland)
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Woodward.
Coyne,	Mallery,	Salus,	Ziesenheim,
Ealy,	McClure,		

NAYS—17

Baumer,	Law,	Reed,	Rupp,
Cavalcante,	McCreesh,	(Washington)	Sones,
Frey,	McGinnis,	Rice,	Thompson,
Huffman,	Miller,	Roberts,	(Centre)
Kahle,	Prince,	Rodgers,	

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1165, entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Westmoreland)
Ealy,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Woodward,
Gelder,	Miller,	Rodgers,	Ziesenhelm,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1356, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Daly,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1425, on third reading, entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws

be recommitted to the Committee on Judiciary General.

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Mr. President, this bill is essential for the clarification of Senate Bill No. 141, which is sort of a moratorium on tax sales, Senator Huffman's bill, which was passed in the early part of the session. The bill is No. 1425. It amends this whole system and makes it workable particularly in up-state counties, where it will not be workable at all. The Senator from Philadelphia, Mr. Shapiro, appears to resent to much Senators from other districts interfering with affairs in Philadelphia, and I would just like to call his attention to the fact, nor the other bills similar to this, have any effect on the disposition of land on tax sales in Philadelphia, where they work under an entirely different set of Acts of Assembly and do not have County Treasurer sales at all. It is going to be pretty nearly impossible next year to know exactly what to do in tax sales in many of the up-state counties unless this legislation is passed, and I earnestly request the Senators in this body to pass this Act, because it will throw the disposition of lands on tax sales into very much of a confusion unless a clarifying act such as this is passed. This bill has been drafted by some of the men who know as much, if not more, about disposition of properties on county treasurers' sales than anyone in the State; it has been carefully considered by lawyers of the bar in a number of the counties in the central part of the State and by some of the Judges in the central part of the State, and it is they who are asking for this bill to clarify the situation which is created by the legislation which is before this House, and which has recently passed this House.

Mr. SHAPIRO. Mr. President, my reason for recommitting this bill is for the purpose of making as clear as possible that it does not affect Philadelphia, because we have a separate tax bill applying to Philadelphia. The bill applying to Philadelphia is Senate Bill No. 616. I am not sure from the reading of this bill whether it relates merely to those properties which have been sold for delinquent taxes. If my friend, the Senator from Centre, Mr. Thompson, will say that he has read the bill and he is satisfied that it applies only to properties which have been sold, then it is no concern of ours at all. That is the only thing that was bothering me.

Mr. THOMPSON (Centre). Mr. President, I do not intend to be very familiar with the laws governing taxation in Philadelphia, but I do not believe that they have any such thing as county treasurers' sales for taxes in Philadelphia.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Centre). I shall be very glad, sir.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Centre, Mr. Thompson, whether this bill merely affects properties which have already been sold for taxes.

Mr. THOMPSON (Centre). Mr. President, in answer to the Senator from Philadelphia, Mr. Shapiro, this bill is intended to cover property listed which is now in the county treasurers' hands, and does not apply to Philadelphia County. I want to call the attention of the Senators to section two of the bill:

"In all cases when taxes levied upon seated lands for the years 1930, 1931, 1932, 1933 and 1934, or any of them, shall be delinquent.

It is because of that phrase, I thought it applied to all delinquent taxes.

Mr. THOMPSON (Centre). Mr. President, I can assure the Senator from Philadelphia that this bill is not intended to in any way affect the situation in Philadelphia County. I hesitate to ask that the bill go over in its order on account of the very shortness of legislative days that are left, but I can assure the Senator from Philadelphia, Mr. Shapiro, that if he will withdraw his objections, the bill will be so amended in the House that it will not concern the sales of real estate in Philadelphia.

Mr. BUCKMAN. Mr. President, for the benefit of the Senate, I would say that this bill was in Committee on Judiciary General and the bill was recommended very highly by some lawyers from all over the State and also some Judges, and it was the opinion of the committee when this bill was considered that it did not affect the city of Philadelphia, and it was a very necessary measure and would clarify the situation which has arisen. I hope the bill will pass.

Mr. SHAPIRO. Mr. President, I withdraw the motion.

The PRESIDENT. Does the Senator from Lackawanna, Mr. Howell, withdraw his second.

Mr. HOWELL. Mr. President, I do.

The PRESIDENT. The motion has been withdrawn.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1425, entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Woodward,
Ealy,	McCreesh,	Rodgers,	Ziesenheim,
Frey,	McGinnis,		
Gelder,	Miller,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. BATCHELOR. Mr. President, I move that Senate Bill No. 1459, on third reading, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" is amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits increasing medical and hospital benefits making changes in the definition of "wages" providing compensation for accidents arising out of and in the course of employment regulating proof in hernia cases further defining dependency as to widows extending the time for the commencement of proceedings to recover compensation in certain cases providing for autopsies in cases of death from injury further regulating the review modification reinstatement suspension and termination of original and supplemental agreements and awards requiring employers to pay the compensation of physicians surgeons and experts appointed by the board or referees to make examinations providing that final receipts for compensation shall be conclusive after two years further defining the jurisdiction and powers of the referees board and courts of common pleas and repealing section four hundred and twenty-six of said act

go over in its order.

The PRESIDENT. Is there objection?

Mr. BATCHELOR. Mr. President, I have been requested by several people to have this bill to go over in its order, and if there is no objection I will comply with their request, to give them an opportunity to amend the bill.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. HARVEY. Mr. President, I move that Senate Bill No. 1472, on third reading, entitled:

An Act defining the powers of persons partnerships associations or corporations operating cemeteries and burial grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. STAUDENMEIER. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I wish to ask the Senator from Monroe, Mr. Huffman, whether he has prepared the amendments to this bill that he spoke about at the time we were discussing it last Wednesday.

Mr. HUFFMAN. Mr. President, no, I have not.

Mr. STAUDENMEIER. Mr. President, I will be very frank with the Senator from Monroe, Mr. Huffman, and I respectfully request the members of the Senate to vote

this bill down on account of the reason advanced when it was under discussion last Wednesday.

Mr. LAW. Mr. President, I was going to ask that this bill go over in its order until later in the day.

Mr. STAUDENMEIER. Mr. President, I will agree to that, providing that the bill is not called up in my absence. It has been very difficult here this past week to attend to business, and my thought is that the amendments were to be offered.

Mr. LAW. Mr. President, that is the idea.

BILL OVER IN ORDER

Mr. STAUDENMEIER. Mr. President, then I will agree that this bill shall go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1599, entitled:

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. TRAINER. Mr. President, I ask unanimous consent to amend section 1, page 2, line 15, by inserting after the letter "(a)" the following: "cod liver oil or"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1599, be recommitted to the Committee on Education.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. KAHLE. Mr. President, this is a bill that was originated by the Department, and it is a bill to protect the children of our cities. We are spending millions of dollars for milk, and we have been giving them milk, bread and potatoes, but that does not supply the needs of the children. An investigation has been made and it has been determined that the children are falling short in the vitamins that they need. You read what was going on in the investigation in different States today. In Chicago it shows about sixty per cent of the children are underdeveloped along that line. Now this bill is to take care of that. It is to furnish to the school children vitamens to protect that needed condition that now exists and I cannot see why anyone would reject it and would put anybody in a condition that will surely in a little while result in malnutrition, ricketts, and so forth, simply because he objects to a small appropration. That is all it calls for. There is no catch, it is merely supplying the children's needs that their little bodies deserve, and we should see to our children now, and not let them grow up and in after years be undeveloped. I would like the Senate to vote "aye" on this bill.

Mr. SHAPIRO. Mr. President, when this bill was considered by the Committee on Education on the first occasion, those who were present were unanimous in saying that this bill should not be reported out. Its presence on the calendar today is explained by the fact, the Chairman tells me, that there was another meeting, which I did not attend. We were opposed to this bill and I am opposed to this bill for the reason that if we do not stop somewhere, this educational system of ours will take over the whole management of the children right in our homes. Senator Trainer has now offered an amendment of cod liver oil to those patent medicines which are going to be furnished. Somebody else will offer an amendment for bananas, and it seems to me ridiculous, and I do not think we should pass any bills in this Senate to say whether vitamen A or vitamen B should be furnished to the school children. These are matter that should be taken care of at home, and are, in a great measure, by the emergency relief, which has used up so many millions of dollars, that is the reason this bill should go back to committee.

Mr. WOODWARD. Mr. President, I simply wish to reinforce what my colleague from Philadelphia, Mr. Shapiro, says, that this bill is doing a good thing in a bad way. It is an emotional bill. This can be taken care of in a much better way than that. Therefore, I think it ought to be sent back to committee.

Mr. McGINNIS. Mr. President, this bill was up in committee twice. Several doctors appeared at both hearings. It was thoroughly discussed, and to send the bill back to committee at this stage of the game, it seems to me merely a step to kill it, and so I want to warn the Senators that in returning this bill to committee at this period of the Sessions, probably means that the bill is dead. The doctors that appeared, disinterested doctors that appeared before our committee, all stated that our children were not getting the proper vitamens. With a few thousand dollars invested now in buying these vitamens for these children, when we are spending hundreds and hundreds of millions for the grown-ups, it would be much better if we would spend a few thousand dollars to buy these vitamens for these children, and this thing ought to be decided on this floor, not back in committee. It is on the floor now, it is late in the Session, and let the Senators on this floor decide whether these children should these vitamens or not.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, does the Senator from Allegheny, Mr. McGinnis, know how much money was donated in this bill for vitamens, and, now, cod liver oil.

Mr. McGINNIS. Mr. President, six hundred thousand dollars.

Mr. SHAPIRO. Mr. President, there is a bill in the Senate Committee on Appropriations now asking for a million and a half dollars to furnish milk to these school children, and that was turned down because there was not enough money in the educational fund to pay for it. Now

this bill asks for an appropriation of $600,000 to serve vitamens A and B and cod liver oil to the children.

Mr. McGINNIS. Mr. President, this bill has the medical profession back of it. They have studied this question and it is a serious question in Pennsylvania, a most serious question. To raise $100,000 or $300,000, or $600,000 for the children of this State, it seems to me we ought to be able to do it. We are raising hundreds and hundreds of millions for other purposes, and it seems to me we ought to be able to raise this comparatively small amount to give the proper vitamens to the children that are suffering during this depression.

Mr. CAVALCANTE. Mr. President, because I want to have the public know how I vote on this bill, I ask for a roll call on the motion to recommit.

The PRESIDENT. The Chair will point out that the bill has passed third reading, and the motion now before the Senate is to recommit to the Committee on Education.

Mr. KAHLE. Mr. President, this bill, so far as milk is concerned, the Senator from Philadelphia, Mr. Shapiro, told you that there is an appropriation asked for to furnish the milk. We do not dispute but that the children are getting enough milk, but they are not getting the needed viamens their bodies should have, the vitamens that are derived from the various fish oils. I am in their homes and I see what they are like. I am treating them at the present time for malnutrition, and this is for their good. It is not, as he says, a million; it is a small appropriation, when we are spending hundreds of millions of dollars for adults, and many times, it seems ridiculous, but to take our children, the little infants, helpless, into this world and then let them suffer and go through life with their wrists turned and their joints twisted, and ricketts, it is highly necessary that we should furnish these vitamens to them.

And the question recurs,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. THOMPSON (Centre) and were as follows, viz:

YEAS—11

Batchelor,	Ealy,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Woodward,
Buckman,	Hunsicker,	Salus,	

NAYS—38

Aron,	Harvey,	Prince,	Rupp,
Baumer,	Howell,	Pytko,	Sones,
Bennett,	Huffman,	Rankin,	Sordoni,
Cavalcante,	Kahle,	Reed,	Staudenmeier,
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Centre)
Coyne,	McClure,	(Washington)	Thompson,
Frey,	McCreesh,	Rice,	(Westmoreland)
Gelder,	McGinnis,	Roberts,	Trainer,
Graff,	Miller,	Rodgers,	Ziesenheim,
Harris,	Norton,		

So the question was determined in the negative.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until nine o'clock this evening.

Mr. HOFFMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Rpresentatives as follows:

House Bill No. 1250 (Senate Bill No. 1688), entitled:

An Act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith; conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue; and fixing penalties.

Which was committed to the Committee on Finance.

House Bill No. 306 (Senate Bill No. 1689), entitled:

An Act providing for the registration of milk bottles and containers, forbidding refilling, using, selling, purchasing, giving, taking, retaining, destroying, disposing or trafficking in same without the written consent of owners, imposing penalties, fines and imprisonment, providing for issuing process in nature of a search warrant; providing what shall constitute prima facie proof, forbidding defacement, covering up, removing or concealing name, mark or device; defining procedure; providing disposition of fines; providing that appeal will not invalidate conviction for second offence, but that sentence shall await decisions of appeal, providing that the requiring, taking or accepting a deposit shall not be deemed a sale; providing that registration prior to this act entitles registrants to benefits of act, and providing for the transfer of certificates of registration.

Which was committed to the Committee on Judiciary General.

House Bill No. 895 (Senate Bill No. 1690), entitled:

An Act to amend section eight hundred and one, clause (a) of section eight hundred and two, and the last paragraph of section one thousand one hundred and five as amended, of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by providing for the reopening of tax settlements by the Department of Revenue under certain circumstances.

Which was committed to the Committee on Finance.

House Bill No. 2219 (Senate Bill No. 1691), entitled:

An Act to further amend section two thousand six hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," fixing the compensation to be paid for controllers in school districts of the third class.

Which was committed to the Committee on Education.

House Bill No. 2691 (Senate Bill No. 1692), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended, by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind, and extending the powers of the Council with respect to the blind; authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms; modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriations of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes ope-

rating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any minimum wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions, conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria; extending the supervision of the Department of Welfare to provide homes for the care of the aged; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Which was committed to the Committee on State Government.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No 329

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No 329 entitled:

An Act to amend sections seven hundred four and seven hundred twenty-five of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "Game Law," as amended; making it unlawful to throw or cast the rays of any headlight, spotlight or other artificial light upon a deer, bear or elk.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elpsed, the Senate will be in order.

SPECIAL ORDER DEFERRED UNTIL 10:30 P. M.

The PRESIDENT. This being the time for the special order on third reading on Senate Bill No. 1428.

Mr. HUFFMAN. Mr. President, this being the time to take up the Gas Tax bill, I move that this matter be deferred for a period of thirty minutes, or until 10:30.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 564

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 564, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1005

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1005, entitled:

An Act requiring tax collectors to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, township or school district in the Commonwealth of Pennsylvania.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 893

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 893, entitled:

An Act providing for the payment of the compensation, medical and hospital expenses of policeman and firemen by cities, boroughs, towns and townships who are injured in or taken sick as a result of the performance of their duty; and providing that absence during such injury or sickness shall not reduce any usual sick leave period.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 2332

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2332, entitled:

An Act to enable city, county, poor, wrd, school, borough and township tax collectors their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years for the passage of this act.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1943

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1943, entitled:

An Act making an appropriation for aid to free public nonsectarian county libraries, and for the purchase and transportation of books.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1798

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1798, entitled:

An Act to promote public morals, abolishing civil causes of action for alienation of affections except in certain cases, seduction, criminal conversation, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file or threaten to cause to be filed, any such action fixing a time for the commencement of such causes of action heretofore accrued, declaring void all future con-

tracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institutions of suit thereon; and providing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1286

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1286, entitled:

An Act to amend sections ten, twelve and fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL No. 1278

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1278, entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

HOUSE RECEDES FROM ITS AMENDMENTS TO SENATE BILL No. 1214

He also informed the Senate that the House has receded from its amendments non-concurred in by the Senate to Senate Bill No. 1214, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended requiring county superintendents to call meetings of public school teachers for the purpose of instruction the expenses thereof to be paid by the school district.

AMENDMENT TO HOUSE BILL No. 2485, RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

AMENDMENT TO HOUSE BILL No. 2380, RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

AMENDMENT TO HOUSE BILL No. 2050, RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2050, entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said act to highways in cities" as amended

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

SENATE BILL NO. 19 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 19, entitled:

An Act to amend sections two four five eight eleven twelve seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance re-issuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and

declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

SENATE BILL NO. 39 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 39, entitled:

An Act for the protection of the health, safety, and welfare of women and minors in any occupation, trade or industry except domestic service in private homes newspaper boys and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards, imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar

SENATE BILL NO. 147 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 147, entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 979

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 979, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties and the powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 979.

Mr. ARON. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 31

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 31, Printer's No. 180, entitled, "An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled, 'An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules of providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation' prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 453, 804 and 1039

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 453, Printer's No. 133, entitled, "An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy) entitled 'An act relating to the commencement of actions in Chester County."

Senate Bill No. 804, Printer's No. 462, entitled, "An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled 'An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds' requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts."

Senate Bill No. 1039, Printer's No. 380, entitled, "An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 17, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

William J. Bryan, of Saxton, Bedford County, as Justice of the Peace in the Borough of Saxton, Bedford County, vice James S. Crum, resigned, until the first Monday in January, 1936.

Harry J. McCauley, of Berkshire Heights, Berks County, as Justice of the Peace in the Township of Spring, Berks County, vice W. C. Yoder, deceased, until the first Monday in January, 1936

Omer E. Kronenwetter, of St. Marys, Elk County, as Justice of the Peace in the Township of Benzinger, Elk County, until the first Monday in January, 1936.

Thomas Laycock, of Sugar Grove, Warren County, as Justice of the Peace in the Borough of Sugar Grove, Warren County, vice W. C. Jamieson, resigned, until the first Monday in January, 1936.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 17, 1935.

To the Honorable, the Senate of the Commenwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Frank W. Adams, 1050 Second Ave., Pittsburgh.
Thomas H. Harrison, 1310 Wylie Ave., Pittsburgh.
Miss Jeanette R. Simon, 1635 Fifth Ave., Pittsburgh.

CENTRE COUNTY

Mrs. Jane E. Miller, Millheim.

CHESTER COUNTY

Everett J. Hoopes, Downingtown.

LACKAWANNA COUNTY

Wm. F. Erhardt, Jr., Olyphant.

LANCASTER COUNTY

Ben D. Witwer, Ephrata.

MERCER COUNTY

Miss Isabel Loch, Sharon.

MIFFLIN COUNTY

Edward A. Levey, Lewistown.

NORTHAMPTON COUNTY

Miss Frances H. Hess, Bethlehem.
Wm. H. Nagle, Easton.

PHILADELPHIA COUNTY

Miss Katharine J. Bartlett, Morris Bldg., Philadelphia.
Miss Mary G. Brogan, 5338 Vine St., Philadelphia.
James A. Drennen, 119 Ripka Ave., Philadelphia.
Patrick F. McGlone, 4805 Gransback St., Philadelphia.
William Selmi, 1411 N. 52nd St., Philadelphia.
Earl Sims, 63rd and Oxford St., Philadelphia.
Mrs. Miriam Strohl, 400 N. Broad St., Philadelphia.

SOMERSET COUNTY

Joseph E. Lohr, Central City.

WYOMING COUNTY

R. H. Fowles, Tunkhannock.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM from the Committee on Game and Fisheries reported as committed, Senate Bill No. 1655 (House Bill No. 2438), entitled:

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489) entitled "An act providing a

method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on Judiciary General reported as committed, Senate Bill No. 1515,, entitled:

An Act to amend the title and the act, approved the twenty-third day of May, one thousand nine hundred and seven (P. L. 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husband, as amended; extending said rights to children abandoned by a father.

Mr. MALLERY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY from the Committee on Judiciary General reported as committed, Senate Bill No. 1340 (House Bill No. 2566) entitled:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred eleven) entitled "An act providing for the establishment of a State Industrial Home for Women authorizing the purchase of a site and the erection thereon and equipment of necessary buildings providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years convicted of or pleading guilty to the commission of any criminal offense and providing for the government and management of said institution and making an appropriation to carry out the purpose of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 1338 (House Bill No. 2482), entitled:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries.

Mr. BEAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN from the Committee on Judiciary General reported as committed, Senate Bill No. 871 (House Bill No. 1689), entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568), entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Judiciary General reported as committed, Senate Bill No. 1495 (House Bill No. 2245), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

Mr. HOWELL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL from the Committee on Finance re-reported as committed, Senate Bill No. 1585, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 6) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance re-reported as committed, Senate Bill No. 1586, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 7) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance re-reported as committed, Senate Bill No. 1587, entitled:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 8) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Also from the Committee on Finance re-reported as committed, Senate Bill No. 1589, entitled:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (Appropriation Acts Number 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Also from the Committee on Finance re-reported as committed, Senate Bill No. 1591, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Also from the Committee on Finance, re-reported as committed, Senate Bill No. 1592, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Also from the Committee on Finance, re-reported as committed, Senate Bill No. 1593, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Number 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

Also from the Committee on Finance, re-reported as committed, Senate Bill No. 1594, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Number 10-A) entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extnding the time for the return of the transferred money.

Also from the Committee on Finance, re-reported as committed, Senate Bill No. 1595, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 1670 (House Bill No. 1653), entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1687 (House Bill No. 2271), entitled:

An Act making an appropriation to the Trustees of the Duquesne University, Pittsburgh, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1676 (House Bill No. 2959), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1663 (House Bill No. 2683), entitled:

An Act to amend the act approved the twentieth day of December one thousand nine hundred thirty-three one thousand nine hundred thirty-four (Pamphlet Laws eighty-nine) "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimburesement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

Mr. McCLURE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on State Government reported as committed, Senate Bill No. 1167 (House Bill No. 1109), entitled:

An Act requiring specifications for the construction alteration or repair of public works of the Commonwealth county, municipality or other subdivisions of the Commonwealth to contain provisions that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment and prescribing penalties.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Judiciary General reported as committed, Senate Bill No. 680 (House Bill No. 1227), entitled:

An Act authorizing the courts of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defaulting tax collectors and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes and to direct satisfaction of the taxes charged in duplicates where it appears such taxes have been paid.

Also from the Committee on State Government reported as amended, Senate Bill No. 1686 (House Bill No. 2514) entitled:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to improve maintain and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agncy and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act.

Mr. BUCKMAN (for Senator Norton). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Insurance reported as committed, Senate Bill No. 1374 (House Bill No 2398), entitled:

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws, by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commission and providing penalties for neglecting to furnish the same.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 1375 (House Bill No. 2402), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulating supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 1652 (House Bill No. 2299), entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 1658 (House Bill No. 2528), entitled:

An Act to amend section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An Act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Judiciary General reported as committed, Senate Bill No. 1567 (House Bill No. 2213), entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto

Mr. HARRIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on Elections reported as committed, Senate Bill No. 1470, entitled:

An Act to amend section seven as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties, providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party offices, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State of the expenses of the same; authorizing the State committee of a political party to make and to alter, amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein, and repealing inconsistent legislation," requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed; providing for the return thereof in certain cases, and in other cases for the retention by or allocation among the counties interested, and imposing duties upon the State Treasurer and the respective county treasurers.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Judiciary General reported as committed, Senate Bill No. 1079 (House Bill No. 1979), entitled:

An Act to amend section five of the act approved fifth day of May, one thousand nine hundred and eleven, (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein and providing for the expenses thereof," as amended, providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

Mr. RICE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Agriculture reported as committed, Senate Bill No. 1286, entitled:

An Act to amend section three, as amended, and section five of the act approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal properties; defining concentrated commercial feeding-stuffs; prohibiting the adulteration of any feeding-stuffs, sold, offered, or exposed for sale in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of infor-

mation concerning the same providing also for the expenses of the enforcement of the law, fixing penalties for its violation, and repealing act number two hundred and eleven (P. L. 1907, page 273), entitled 'An act regulating the sale of wheat-, rye-, corn-, and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," further prescribing what may be mixed and sold under the provisions of the act.

Mr. McCLURE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Finance reported as committed, Senate Bill No. 1610 (House Bill No. 2437), entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

Also from the Committee on Finance reported as committed, Senate Bill No. 1609 (House Bill No. 2436), entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1545 (House Bill No. 272), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) enttiled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing penalties for violations thereof

Also from the Committee on Municipal Government reported as amended, Senate Bill No. 1339 (House Bill No. 2513), entitled:

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Auhorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes

Mr. HUFFMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN from the Committee on Judiciary General reported as committed, Senate Bill No. 1208 (House Bill No. 1947), entitled:

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeitures of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as amended extending the period for a surviving spouse to elect to take under or against a will in case a will is contested

LEAVE OF ABSENCE

Mr. BUCKMAN asked and obtained leave of absence for the Senator from Berks, Mr. Norton.

BILL ON THIRD READING

The PRESIDENT. The Senate will now proceed to the consideration of the calendar. When Senate Bill No. 707, on page 7 of the calendar, bills on third reading, it was not on the desk of the Senators, it was being reprinted to cor-

rect typographical errors. The bill is now here and will be considered at this time.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 707, as follows:

An Act to provide for and regulate the annual licensing of persons copartnerships associations and corporations doing any outdoor advertising by means of billboards signs or structures and the issuing of permits for the erection use and maintenance thereof levying an excise tax for the use of the Commonwealth prescribing the location in which said billboards signs and structures may be located and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Purposes and General Scope Whereas the rapid growth in the use of motor vehicles throughout the State and the concurrent extension of highways built or improved at public expense are leading to great changes in the extent and character of public travel and thereby have caused the development of commercial enterprises and advertising in areas formerly rural or principally so Therefore for the purpose of promoting the health safety and general welfare of municipalities and municipal subdivisions of this Commonwealth for the purpose of conserving the value of buildings and property and encouraging the most appropriate use of land for the purpose of providing for the public health comfort and general welfare in living and working conditions for the purpose of facilitating highway development and transportation and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstructing progressive improvements and to prevent obstructing the view and diverting the attention of drivers of motor vehicles on public highways having regard to the public safety the governmental agency hereinafter referred to is hereby created in order to regulate and control advertising and display signs and to preserve the amenities of localities to promote general welfare and preserve public safety especially in the particulars herein recited

Section 2 Powers and Authority The powers and authority hereby granted are in derogation of no other powers or authority granted by or created or exercised under any other statute or by any planning or zoning board or authority or other public officer but shall be construed as cumulative and wholly in addition to those of any such other power or authority

Section 3 Application of Act This act shall not apply to outdoor advertising structures within the corporate limits of any city town or borough

Section 4 Definitions The word "person" as used in this act shall be construed to mean and include natural persons copartnerships associations and corporations As used in this act "outdoor advertising" means the erection display maintenance or use of any outdoor advertising structure sign picture word or devise for the advertisement thereon or hereby of any commodity service or thing

Section 5 Licenses to Engage in Outdoor Advertising Business No person shall from and after the first day of January one thousand nine hundred and thirty-six engage in or continue in the business of outdoor advertising through the maintenance of billboards structures or other advertising devices upon real property to advertise or call attention to any business article substance or other thing unless such billboard structure or device conforms to law rules and regulations without first securing an annual license from the Department of Revenue and paying to the department for the use of the general fund an annual license fee Applicants maintaining up to 4 locations $10.00
Applicants maintaining up to 5 to 24 locations $25.00
Applicants maintaining up to 25 to 49 locations $50.00
Applicants maintaining up to 50 to 99 locations $75.00
Applicants maintaining up to 100 to 199 locations $100.00
Applicants maintaining up to 200 to 299 locations $150.00
Applicants maintaining up to 300 to 399 locations $200.00
Applicants maintaining 400 or over locations $250.00

Licenses shall be issued only for the calendar year Where a person first engages in said outdoor advertising during a calendar year then an allowance of one-twelfth of the annual license fee shall be made for each full month of the year which has expired prior to the issue of such license

No license shall be granted to any person not resident in this Commonwealth unless such person shall have furnished and filed with the Department of Revenue a bond to the Commonwealth with corporate surety in the sum of one thousand dollars ($1,000.00) conditioned to observe obey and fulfill all the requirements of this act and the rules regulations and orders of the board made pursuant to this act

Applications for such licenses shall be made to the Department of Revenue on or before the fifteenth day of December of the year preceding the one for which the license is issued (except where a person first engages in such business during a calendar year) on forms furnished and prepared by the department and shall set forth the full name and post office address of the applicant the territory in which the applicant desires to erect use display or maintain billboards or other advertising devices and such other relevant information as the department may require The application shall be accompanied with the proper amount of license fee as above provided

Section 6 Permits for Billboards and Structures Statements Required Annual Excise Tax No person from and after the first day of January one thousand nine hundred and thirty-six shall erect use display or maintain any billboard or structure or device for the display of advertising matter unless such person has first filed under oath a statement with the Department of Revenue showing (a) the location of each such billboard or other structure used or to be used for advertising purposes (b) the number of square feet of surface on each such billboard or structure used or to be used for advertising purposes and (c) such other relevant information as the Department of Revenue shall require and shall pay to the department for the use of the General Fund at the time such statement is filed an annual excise tax for the calendar year of one (1) cent per each square foot of surface thereof used or to be used for advertising purposes

Where a billboard or structure is first erected or used during a license or permit year the statement above required shall be filed for such billboard or structure before the same is erected or used and the tax for the remainder of the year shall be reduced one-twelfth for each full month of the year which has expired

Upon the receipt of such statement and the payment of the tax required by this section the Department of Revenue shall issue a permit to the person authorizing the erection maintenance display and use of such billboard sign or structure for outdoor advertising purposes during the calendar year for which the permit issues provided such billboard or other structure complies with the provisions of this act

For billboards signs and structures existing at the commencement of a calendar year such statement shall be filed with the department not later than the fifteenth day of December of the year preceding the one for which the permit issues

Permits may be renewed for any succeeding calendar year by filing a similar statement and paying the tax required by this section

Section 7 Identifying Matter to Appear on Billboards and Structures No person shall erect use display or maintain any billboard or other sign or structure for the display of advertising matter unless the name of the person owning or controlling the same and the number and date of the permit issued therefor by the Department of Revenue is plainly inscribed thereon

Section 8 Regulations Concerning the Erection and Maintenance of Billboards Structures and Other Advertising Devices

No permit shall be issued to erect use display or maintain a billboard structure or other advertising device at any place where the same is or shall be prohibited by municipal orders or zoning laws nor where in the judgment of the Secretary of Highways it would cause a traffic hazard

Section 9 Penalty Any person erecting using displaying or maintaining a billboard structure or device for displaying advertising matter without complying with or contrary to provisions of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) for the use of the Commonwealth for each and every day such violation of this act continues providing ten day's notice is given for removal of such offence and in default of the payment of such fine and costs of prosecution the person or members of any copartnership or association or the officers of any corporation responsible for such violation shall be imprisoned for a period of ten days

Section 10 Advertising Exempted from This Act Nothing contained in this act shall be construed to apply to the election maintenance display and use of advertising on the same premises where the business advertised is carried on or to for sale or for rent signs used exclusively on real estate to advertise the same for sale or rent Also exempted from the terms of this act are posters or notices issued by public authority notices which the law requires to be posted signs or displays on or in rolling stock stations or common carriers notices or posters which an owner lessee or occupant of the building places thereon to announce the profession art trade industry or other occupation carried on therein by him the sale of farm products the sale of the products which he manufactures or any other sale on the premises as well as the sale or lease of the immovables of which such building is a dependency which an owner or lessee of a restaurant hotel boarding-house situated along a public highway but at a distance therefrom placed near the said road for the purpose of indicating the place where his establishment is situated In such cases the owner or lessee may have only one sign posted or billboard put up near the road on his property and such poster structure or billboard shall not be more than three feet in length nor more than two feet in width There shall also be exempted signs or posters on the occasion of a religious or patriotic demonstration signs or posters to announce an agricultural exhibition inscriptions in cemeteries announcements of an historical nature authorized by the Historical Society of Pennsylvania direction or stop signs placed or authorized by the Department of Highways signs which a telephone telegram or electric power company places on its poles to indicate danger or ownership thereof or on buildings to indicate the places where its services are available or its offices are situated

Section 11 Jurisdiction to Abate Nuisance The nonconformity with this act is hereby declared to be a public nuisance and the Secretary of Highways or the board hereby created shall have power to abate and remove such nuisance this remedy to be in addition to any other remedies provided by law and the Courts of Record of this Commonwealth shall have power and jurisdiction to restrict upon petition of the Attorney General of the Commonwealth or any interested pary any billboard sign display or other advertising device

And said bill having been read at length the third time.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I desire to call the attention of the members of the Senate to the fact that this is the so-called "Billboard" bill, a copy of which is on your desks, and I might say that this bill as reported out of committee has been amended in some manner, as you will observe by reading the bill, that it is practically meaningless. This bill as it was originally presented provded for the so-called boards, and as it has since been amended, this part has been eliminated from the bill.

On page 2, the bill states: "The governmental agency hereinafter referred to is hereby created in order to regulate and control advertising and display signs and to preserve the amenities of localities to promote general welfare and preserve public safety especially in the particulars hereinafter recited."

Mr. HARRIS. Mr. President, I rise to a point of order. The Senator from Lehigh, Mr. Rupp, is out of order. The motion is to recommit, and he cannot discuss the bill at this time.

Mr. RUPP. Mr. President, I beg to differ with the Senator from Allegheny, Mr. Harris. I made no motion.

Mr. HARRIS. Mr. President, the Senator from Lehigh has not asked for a question of personal privilege.

The PRESIDENT. The Senator is very properly discussing the bill, there is no motion to recommit it.

Mr. RUPP. Mr. President, I desire to call the attention of the Senate to page 2 of the bill, which provides "the governmental agency hereinafter referred to is hereby created in order to regulate and control advertising and display signs," and section 5, page 3, the amendments presented by the Senator from Allegheny, Mr. Harris—that section was entirely eliminated, thereby eliminating the so-called Board for the control of outdoor advertising. I might further call the attention of the Senators to the fact that on page 3 of this Act, it "shall not apply to outdoor advertising structures within the corporate limits of any city, town or borough."

I might also call your attention that the whole scheme of this bill is clearly to establish another bureaucracy. It provides for certain licensing fees for outdoor advertising. The fee in turn is to be used for the expenses of another Bureau. The real purpose of the bill is to eliminate the large billboards that we see on our highways that are so-called "eye sores," whereas, in my estimation, the most objectionable board advertising on our highways that are so-called "eye sores" are the small tin signs erected by irresponsible people, merchants who scatter their advertising on our highways without any effort to maintain them in any kind of a presentable condition. This bill does not attempt to regulate more than the large billboard advertising, and I think most of you gentlemen will agree with me that they are not as objectionable as are the small signs that litter our highway.

BILL RECOMMITTED

Mr. HARRIS. Mr. President, in view of the way in which the bill has been amended, I move that it be recommitted to the Committee on Judiciary Special.

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, when I made my remarks a few moments ago, I anticipated the action of the Senator from Lehigh. I just want to say that the most enthusiastic supporter of this bill, when it was originally presented, was the gentleman from Lehigh. It was referred to the committee, had a public hearing and later on the proponents of the bill modified it considerably to try to satisfy the opponents. On last Thursday morning, at the request of the opponents of the bill, I delayed action on it to give them time to make whatever amendments they desired to make. They prepared the amendments and it was necessary them to reconsider the action by which bill had passed second reading. I very courteously, I think, permitted them to reconsider the bill without opposition and allowed them to resent the amendments that they desired. Everything the opponents of this bill desired was done for them. They were not

questioned in the least, every amendment that they wanted was prsented here on the floor last Thursday, and we now find that they are dissatisfied with their own amendments. Now the motion is to recommit. This is not a motion to recommit, it is a motion to kill, and when you "aye" on this motion, when you vote to recommit it, you do it with the knowledge that it kills your bill.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

RECONSIDERATION OF SENATE BILL NO. 1527

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 1527 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. LAW. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LAW. Mr. President, I ask unanimous consent to amend page 2 by striking out lines 1 to 9, inclusive; amend page 2, line 10 by striking out after the word "Section" the numeral "4" and inserting in lieu thereof the numeral "3"; amend page 3, line 6 by striking out after the word "Section" the numeral "5" and inserting in lieu thereof the numeral "4"; amend page 4, line 7 by striking out after the word "Section" the numeral "6" and inserting in lieu thereof the numeral "5"; amend page 4, line 9 by striking out after the word "Section" the numeral "7" and inserting in lieu thereof the numeral "6"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The PRESIDENT. The hour of 10:30 having arrived, the special order on third reading and final passage of Senate Bill No. 1428.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1428 (House Bill No. 1418), as follows:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certan costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriaton

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and thirty-seven

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be laid into the Liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purposes hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund

except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the permanent tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purposes for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of two cents per gallon or fractional part thereof collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes is hereby appropriated and all such tax paid into the State Treasury on and after June first one thousand nine hundred thirty-six shall be credited to the General Fund

Section 2 This act shall become effective the first day of the month succeeding its final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I assume that everyone knows that this is a bill which originally imposed a one-cent gasoline tax, which has been amended to increase the tax to two cents. Because of the fact that I am going to vote "aye" on this bill, I should like to explain my reasons, and at the same time in connection with this bill, call attention to a few facts that I think should be understood in order to be able to vote properly on this bill.

Mr. President, when we came here we were met with budget requirements of $203,000,000., and after many weeks of struggle, our Finance Committee said they came to the conclusion that the budget was high, and that $203,000,000. was not necessary. If we analyze the figures of the Finance Committee, we find that what has developed here is that $180,000,000. of this $203,000,000. is conceded to be necessary by everybody. In other words, our Finance Committee first came to the conclusion that in his estimate of the expected additional moneys, the Governor was asking $23,000,000. more than necessary. The position of the Finance Committee as to the difference is first, that the requested sum of $203,000,000. contains a provision for $15,000,000. payment of funds necessary to cover the relief requirements up until the beginning of this fiscal year, and inasmuch as the Government of the United States is taking care of that for half that period of time, there is only $7,500,000. necessary, thereby reducing the budget requirements by that amount. Secondly, that there has been an under estimate of the expected normal receipts of $16,000,000., so that we all agree that at least $180,000,000. are necessary.

The Finance Committee has come to the conclusion that at least $60,000,000. must be provided for this year's revenue. It is obvious, therefore, that we have to pay $60,000,000. this year, and any other additional funds that may be necessary to be met by reasons of unusual expenditures. It also follows that on one thing we had agreed, and that is that $60,000,000. is necessary in addition to the normal expenses. That is established by the fact that we have agreed to provide by additional taxation $120,000,000., sixty million of which is for relief and sixty million for additional revenue. If you take the budget and analyze some of these figures, you may find something that will make you ask yourselves the question, 'what are we trying to do and where are we going?' The $83,000,000., additional expenses that the Governor said would be incurred this year, are made up of two amounts, one is for $49,800,000. and the other is $33.00,000. The $49,000,000. is made up of an item of $11,900,000. deficits already appropriated in the previous session of this legislature, $5,800,000 for impoverished school districts, $15,000,000, as I pointed out, for relief, $3,200,000 appropriated in the previous session of the Legislature, for the blind. Those sums make up $36,000,000. There was also $13,800,000. which had been borrowed from special funds and have not been returned. That totals $49,000,000. plus. Then the second of $33,000,000 is made up as follows: $20,000,000. for old age pensions, $3,115,000. for the blind and $10,000,000. plus, for additional debt service, total $33,000,000., and that makes up $83,000,000. that the Governor said would be the additional expenses for this biennium. If we take off $23,000,000., which is the amount by which the Finance Committee has reduced the sum, we have $60,000,000. as the amount we all agree is necessary. If you examine those figures, you will find one thing is certain, and I have spoken before of these figures for the biennium—that this year we will need one-half of the amount necessary for old age pensions, or $10,000,000., we need one-half of the debt service money, or $5,000,000., and one-half of the blind pensions, or $1,567,500. In other words, we need this fiscal year, that is, up to May 31, 1936, $16,500,000, which we have obligated ourselves to pay to the blind, old age, and for debt service which we have created heretofore In addition to that we have already in the General Appropriations included $3,500,000. for educational institutions, which was appropriated last year, which appropriation has lapsed. We need $3,500,000. to keep our hospitals open to carry out our appropriation of the last legislature. That gives us $7,000,000. plus $16,000,000., or $23,000,000., and $60,000,000. for relief, or a total of $83,000,000. absolutely necessary for the fiscal year.

Now we passed tax bills here for $57,200,000. for relief

for this year and $60,000,000. for next year. Not all of those taxes will be collected this year, and half of them will get some money in. The documentary tax, which if it remains in its present form, is supposed to yield $2,400,000, and will approximately give us $200,000.. a month. The cigaret tax, which is supposed to yield five million dollars, will give us probably $400,000 a month. The gas tax as proposed originally at 1% would yield $11,000,000. this year, and will give us approximately $900,000. per month, a total of $1,500,000. per month. I understand from those who sponsored Senate Bills No. 1601 and No. 1602, that are on the calendar today, that these bills, by allowing discounts will accelerate tax payments to an amount of $15,000,000. If you add that $1,200,000. per month to the $1,500,000., we have a total of $2,500,000 as the limit that we can expect every month, $500,000. short of the monthly amount necessary to comply with the arrangement or request, or demand, whichever you call it. of Mr. Hopkins, whose name has been so much misunderstood here on the floor of this Senate, and no money for old-age pension, no money for blind, and no money for debt service.

Now, that is our situation. I am reminded that my friend, the Senator from Montgomery County, some weeks ago, in a very able and fine address here, used as an illustration of the Governor's attitude the fact that he had money in one pocket which would be sufficient to carry him through, and needed money in the other pocket, but would not transfer it from one pocket to another. I would revise that illustration and apply it to our situation today, in this way, that we have said to the Governor, "we would like you to take charge of our business, we have $120,000,000. in the safe, and when we are going to Europe or whenever we may go after we leave this Senate session, you take care of it and use that money." Then we politely walk off without giving him the combination to the safe, and he will not be able to use any of that money. Certainly not more than $2,500,000. has been provided for a budget which requires $7,000,000. per month for the next twelve months, or $84,000,000., and the only reason I am voting for this tax is because we are faced with those facts. I take no particular delight in helping to impose taxes on anybody. They are unpopular amongst all groups which they particularly affect, and they are certainly not going to help anyone politically, and I say right here, that I am not interested in the political aspect of the situation at all; I am anxious to end this program and end it satisfactorily and leave it, but so far as I am concerned, I do not propose to run away from the job, notwithstanding the unpopularity of this gas tax. I think the only thing that we can do is to take steps to accelerate cash income as quickly as possible, so as to enable the government to carry on. I am reminded, when I think of the telegrams I have received telling me how unpopular I will be for voting for the two-cent tax, of the position the gas companies took. I do not criticize them—I merely make a statement of the fact that when this tax was proposed at one cent, after having defeated it when it was two cents per gallon originally, the companies nonchalantly, without a word, murmur, or ripple of protest from anyone, increased the price of gasoline one cent per gallon, and that answers the question which troubled me. When I voted on this tax originally, I voted 'no' on the two-cent tax because I feel the man who can use a car for pleasure can afford to pay the two cents for the needy people of the State, and the man who uses a machine for business ought to be glad he has a job, and he too can afford to pay the two cents. I am considering the people who have no jobs.

I was concerned about the fact that it might place Pennsylvania in an unfair disadvantage in competition with the surrounding States. If the companies are not afraid to increase the price of gasoline, and do not feel worried about unfavorable competition, then I think I need have no concern on the subject, and I ask the members of this Senate to consider when they are voting "aye" or "no" on this bill, that when they vote "no"—if the majority vote is "no"—they are again confronted with and open up the problem as to what is going to be done to solve the financial situation of this State, but when they pass the two-cent tax, they not only accelerate the income of money by $900,000, a month, and end the whole problem, but they provide immediate funds for the old age pensions, for the blind pensions, and they do another thing—they enable us to eliminate what I term "nuisance" taxes which materially affect the business interests of this State, which we need as much as possible, more now than ever. We can get rid of the tax on checks and the mercantile tax, which was defeated last week.

It is for these reasons, Mr. President, and because I feel that it is the only way out, as I have indicated today, that I propose to vote "aye" on this bill.

Mr. McCLURE. Mr. President, I am sure that the President has been able to analyze hte figures, and if he does, he understands the tax situation of Pennsylvania thoroughly. Last week Senator Owlett introduced bills which passed here finally today, making it possible for corporations to anticipate taxes due the Commonwealth. Tonight I have just received a statement from the Governor's office, in which he in another way has attempted to do exactly that which is provided in the Owlett bills. These bills provide a so-called "tax anticipation." The bill provides for the issuance of notes against taxes due the Commonwealth in the next two years. It is quite a lengthy article and cites court proceedings to justify the issuance of these notes for the Commonwealth for the next two years; therefore, the question of the blind and the aged and the crippled, and so forth, does not enter into this question at all, as Senator Shapiro brings it out, because now there are two plans before this General Assembly, one as suggested by the Senator from Tioga, Mr. Owlett, and one as suggested by the Governor himself.

It was agreed in the Governor's office a month or two ago, that $120,000,000, of new taxes would be necessary, and that amount we agreed to levy at this Session; that was the agreement with the Governor, and I would like to interrogate the Senator from Philadelphia, Mr. Shapiro, on just one question.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. McCLURE. Mr. President, did I understand the Senator from Philadelphia, Mr. Shapiro, to say that $180,000,000. in new taxes were necessary at this time?

Mr. SHAPIRO. Mr. President, I said $63,000,000, had been agreed upon by the Committee on Finance, of which the Senator from Delaware is Chairman, was necessary. I said that the Administration and the Finance Committee were in agreement on the tax program to this extent, that

there was at least $180,000,000 necessary, while the Governor said $203,000,000 was necessary.

I want to call your attention to the fact that I am assuming that you are dealing with a two-year plan for relief of $120,000,000, but if you reduce the relief to a one-year plan you take $60,000,000 off the Governor's budget requirements and reduce it from $203,000,000 to $143,000,000, and when you agree to give the Governor $120,000,000 and he wants $143,000,000, I make the statement that establishes the fact that the difference between your Committee's figures and the figures of the Governor amounts to only $23,000,000.

Mr. McCLURE. Mr. President, does the Senator from Philadelphia insist that the Governor and the Senate Committee agree that $120,000,000 revenue is all that is necessary?

Mr. SHAPIRO. Mr. President, that is correct. I also say that assuming what you say is correct and that we take your figures and not the Governor's, $120,000,000 is required, $60,000,000 for relief and $60,000,000 for additional expenses. Your tax bills have only provided $57,400,000 and you are still short $2,600,000 for this year, or $5,200,000 for the two years for relief.

I secondly make the statement that even if you have provided taxation in full it will not come in this year, namely $83,000,000, which is necessary and must be paid out this year, and which has not been provided for by your plan.

You have provided the tax laws but not the actual cash for the time it will be needed.

Mr. McCLURE. Mr. President, does the gentleman from Philadelphia understand that an additional $60,000,000 will have to be levied to take care of the second year of the biennium?

Mr. SHAPIRO. Mr. President, from the gentleman's remarks when he first got up, it is evident he did not understand my statement of the tax situation, because I did not say there was another $60,000,000 necessary to be raised from taxation. You have only provided taxes for one year, and the $60,000,000 for the second year that you are talking about is eliminated only temporarily, because no one knows what will be the requirements for next year.

Mr. President, I might further say that so far as the statement about the Governor's plans to borrow on notes is concerned, I am familiar with that situation and it does not affect my statement at all, because that follows the Borough system where Boroughs have been given the privilege under our system to borrow money against anticipated revenues. It apparently is in the mind of the Attorney General that the State should have the same right; that is true, but it can only be permitted and lawful when the budget is balanced, and the point I am trying to make for the benefit of my fellow members of the Senate is this, that this budget is not balanced by $11,000,000, because we have defeated one tax of $5,000,000, which is the mercantile tax, and it takes that out of the budget income, and we have not yet passed the check tax, so that before you can talk about the "note" plan suggested by the Governor, you will have to balance your budget, which has not yet been done by the Finance Committee.

Mr. McCLURE. Mr. President, I just want to call the attention of the Senator to the fact that I do not think the time has expired within which the check tax can be revived. I am very glad the Senator has qualified his remarks.

Mr. SHAPIRO. Mr. President, I would like it to be distinctly understood that I made no qualification of my remarks. I stand upon the original remarks that I made, and I say that because it is my belief, no matter how honestly, the Chairman of the Finance Committee has failed to understand the true situation. I do not argue and have not argued that $80,000,000 additional taxes are necessary. I say that with all the taxes the Finance Committee proposes there would be $57,400,000 realized, and that the budget would be $2,600,000 short per annum. But I say what the Finance Committee fails to understand is that while they have imposed taxes they have created no immediate revenue.

Mr. CHAPMAN. Mr. President, in answer to the Senator from Philadelphia, Mr. Shapiro, with regard to this bill boosting the gasoline tax two cents a gallon, this will boost the gasoline tax to five cents State, and one cent Federal—or a total of six cents a gallon. This means that the average car owner who consumes sixty gallons of gasoline a month will have to pay a total gasoline tax of $43.20 a year. Every time you ask the man at the pump to put in ten gallons you pay sixty cents tax. There are some 1,750,000 cars registered in Pennsylvania, and there are perhaps two drivers for every car.

I will direct attention to the fact that the tax will discriminate not only against Pennsylvania, but that it will inflict serious injury on the Pennsylvania producers and refiners. This means that our State tax will be one cent higher than it will be in adjoining States of New York, New Jersey and Ohio, and that to save one cent a gallon a vast amount of gasoline will be imported by large consumers from those adjoining States.

Motoring is no longer a luxury; to the vast majority of car owners it is an everyday necessity. This is simply piling up the tax on a commodity of general use—and one already taxed beyond all bounds of reason and endurance. I ask the Senate to vote down this tax.

Mr. OWLETT. Mr. President, at the risk of prolonging this discussion, I feel I cannot let go unchallenged one statement made by my friend the Senator from Philadelphia, Senator Shapiro. In the first place, I want to call the Senate's attention to the fact that this bill attempts to place and does place an additional two cents per gallon tax for two years, which would produce additional revenue of $22,000,000 a year, or $44,000,000 for the two years; and if there was not the additional amendment provided by this bill, putting on two cents for two years, it would produce $22,000,000 for the biennium. This is offered by Mr. Shapiro as a substitution for what? Twenty-two million dollars of taxes is offered as a substitution for the check tax of $6,000,000, and the mercantile tax of $3,000,000.

Now, I submit to this Senate that it has not been disputed by anyone that when we levy $120,000,000 of extra taxes for the next two years we have balanced our budget, as was said by the Chairman of the Committee on Finance. The proposal of the Administration this evening, of a Tax anticipation Note Bill, plus the two bills passed by the Senate today, contemplates that they will bring in during the first year of the biennium the taxes that are levied for the second year—one way or the other.

Now, if it does we have got the cash available to take care of our needs, when we levy $120,000,000 of new taxes; and I submit that it is not necessary for this Senate to im-

pose on the people of Pennsylvania $22,000,000 of extra taxes when our budget is balanced by the levying of $9,000,000. In other words, they are asking us tonight to impose a tax that I am told is the highest tax of any State east of the Mississippi River on gasoline, to be paid by the car owners of this State—taxes of $22,000,000 when we need only $9,000,000 by the accepted figures of all the parties that have settled this.

Now, the Committee on Finance has not had the benefit of Mr. Shapiro's figures, but we have gone into this matter very carefully; and I am sorry he has not had the benefit of the discussions that have taken place in the Committee on Finance. But I just say to this Senate we do not need an extra cent of gasoline tax for two years; and I, for one, am opposed to levying taxes we do not need, and putting that burden on the already over-burdened people of this Commonwealth.

Mr. SHAPIRO. Mr. President, I have no concern about prolonging this discussion because I think it is a very important matter, and I am very glad to answer objections that have been made as to what I have said.

I have not heard any answer to the question as to where the money is going to come from immediately, by saying first to Senator Owlett that the Check tax and the mercantile tax were each supposed to procure $3,000,000 per year. That is $6,000,000 a year, or, for the two years, $12,000,000. There is a deficit of two million three hundred or four thousand dollars, which has not been provided for by the Committee on Finance, which we have agreed with the Governor we would find before we adjourned. That is another $4,600,000.

So, I think this $16,000,000, and the rest of the money should be used to pay Old Age Pensions and the Blind. I have not yet heard an answer as to where all this money we have been talking about is going to come from in the first year.

As to the gasoline tax, everybody is set to vote for a one cent gas tax; so the figures of $50.00 a year, paid by the motor driver or car owner, means $50.00 instead of $40.00. That is not so much to worry about when you consider the purchasing value of the money.

The second is: Where are all these howls about the proportion of the tax in regard to price? When we come to the cigarette tax we find that out of 12 cents six cents is paid to the Federal Government, and after this the State Government proposes an additional two cents; so that today when a man pays 14 cents for a package of cigarettes eight cents of that price goes for taxes. I do not hear any howling and crying about that, and I think that if there is any question as to which is a luxury, gas or cigarettes, there will be very little dispute about that, it will be conceded that gasoline is more of a luxury than cigarettes are.

I do not want to put these taxes on, and I want to say to all these members of the Committee on Finance who say they did not have the benefit of my figures. I did not gather these figures out of the air; they were in two books furnished us two months ago by the Administration. It is so plain in there that anyone that runs may read.

Mr. McCLURE. Mr. President, I do not like to repeat, but I explained to the Senator from Philadelphia that that immediate money can be raised in two ways; either by the bills passed today, of the Senator from Tioga, Mr. Owlett, or by the Governor's own plan, which he has given tonight to the newspapers. If you will bear with me just a minute, I am going to read the last sentence in the first paragraph of the memorandum made up by the Governor, the Auditor General and the State Treasurer, or Senate Bill 1626: "The purpose of this bill is to provide for the escheat to the Commonwealth of unclaimed dividends, profits, debts and interest on debts of associations and corporations whose dividends, profits, debts and interest are past due and payable for more than three years, but which remain unclaimed for the want of a rightful owner. This legislation is necessary because of the fact that while the dividends, profits, debts and interest of certain classes of corporations are at present escheatable to the Commonwealth, no provision has been made for the escheat of moneys held by other corporations and associations which constitute more than a majority of those doing business in Pennsylvania.'

I think the Senator from Philadelphia, Mr. Shapiro, ought to realize where the immediate money is coming from.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Delaware, Mr. McClure.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that the Senator from Philadelphia, Mr. Shapiro, is out of order, for the reason that a Senator may not speak more than twice on one bill.

The PRESIDENT. The point of order, in so far as that particular phase is concerned, is well taken, but the Chair understands that the Senator from Philadelphia, Mr. Shapiro, desires to interrogate.

Mr. SHAPIRO. Mr. President, I do.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, say whether he agrees that it is correct that $83,000,000 must be provided in this first year of the biennium?

Mr. McCLURE. Mr. President, I could not follow the figures as given by the Senator from Philadelphia, Mr. Shapiro.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia, Mr. McClure, who is the Chairman of the Committee on Finance, and cannot follow my figures, state whether or not he agrees that the $60,000,000 is necessary and is the correct amount necessary for the first twelve months for relief.

Mr. McCLURE. Mr. President, I do.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, state whether or not, according to his information from the budget, $10,000,000 is necessary for this year's Old Age Pensions?

Mr. McCLURE. Mr. President, I do.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, from the budget, state whether or not $1,567,000 is necessary for the Blind for this year?

Mr. McCLURE. Mr. President, that is approximately correct.

Mr. SHAPIRO. Mr. President, will the Senator from

Delaware, Mr. McClure, state whether it is true, from the budget, that only $5,000,000 is due the first year for it?

Mr. McCLURE. Mr. President, I do.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, state whether those four sums: $60.000,000, $10,000,000, $5,000,000 and $1,500,000 amount to $76,500,000?

Mr. McCLURE. Mr. President, I cannot add as fast as can the Senator from Philadelphia, Mr. Shapiro?

Mr. SHAPIRO. Mr. President, assuming that is correct, will the Senator from Delaware, Mr. McClure, tell me how much is anticipated to be secured by the two bills, Nos. 1601 and 1602, that the Senator from Tioga, Mr. Owlett, has put on the calendar?

Mr. McCLURE. Mr. President, the Committee on Finance estimated that at least $20,000,000 would be immediately received by the Commonwealth, which are the figures of the Department of Revenue, if I understood the Senator correctly, he estimated that sum at $40,000,000. The Governor's plan calls for $50,000,000.

Mr. SHAPIRO. Mr. President, I understand the figures of the Committee on Finance also call for $50,000,000, to be accelerated by the passage of these two bills, the bills introduced by the Senator from Tioga, Mr. Owlett.

Mr. McCLURE. Mr. President, yes, at least that much. It is estimated by the Department of Revenue at $40,000,000.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, also tell me where it is expected the remaining $60,000,000—or, $50,000,000—is coming from this year?

Mr. McCLURE. Mr. President, from tax money.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, tell me from what tax measure it is proposed to get it?

Mr. McCLURE. Mr. President, I cannot tell at this time without figures.

Mr. SHAPIRO. Mr. President, then the Senator from Delaware, Mr. McClure, is familiar with the list of taxes representing that?

Mr. McCLURE. Mr. President, I am familiar with the list, but I did not bring it with me.

Mr. SHAPIRO. Mr. President, the Senator from Delaware, Mr. McClure, has stated that my statement of $80,000,000 that is necessary is incorrect. Will the Senator from Delaware point out wherein my figures, when they will not be more than $30,000,000 produced this year, are incorrect?

Mr. McCLURE. Mr. President, I have made no analysis of those figures; but I think the bills introduced by the Senator from Tioga, Mr. Owlett, as I have explained before, will more than take care of that situation.

Mr. SHAPIRO. Mr. President, does the Senator from Delaware, Mr. McClure, also realize that in addition to that he is relying upon the Governor's new suggested plan? I understand that also is in his plan—that the balance will be raised by the new suggestion of loans from funds.

Mr. McCLURE. Mr. President, I have not studied his whole plan as yet; and I cannot say that it will be passed.

Mr. SHAPIRO. Mr. President, well then, will the Senator from Delaware, Mr. McClure, tell me—there is only $30,000,000 which he has suggested as available? I am still looking for information: where is the rest of the cash coming from? I am not on the Committee on Finance. The Senator from Delaware said I did not hear the figures. I would like to hear them now. Where is this money coming from?

Mr. McCLURE. Mr. President, I have stated to the Senate that the funds will come from the Owlett bills when finally passed by the House and signed by the Governor.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, yes.

Mr. OWLETT. Mr. President, we have recommended—or will have when we complete our program—$120,000,000 in new taxes. Is that not correct?

Mr. SHAPIRO. Mr. President, no, that is not correct. If the Senator from Tioga, Mr. Owlett, completes his program he will have $120,000,000 less $5,400,000, which will leave $114,600,000.

Mr. OWLETT. Mr. President, half of that will come in the first year of the biennium, and the other half in the second year.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, point out where I might reverse the situation? That is what I have been trying to find out for the last two months. Where is it?

Mr. OWLETT. Mr. President, I thought the Senator from Philadelphia, Mr. Shapiro, did not understand that; and that is why I am interrogating him. Under the tax program, Mr. President, the past, and when it is completed, my understanding is that $60,000,000 comes in the first year of the biennium and $60,000,000 in the second year. Under the bills that we have passed part of the second year's $60,000,000 comes in the first year. We say at least $20,000,000—making the total $80,000,000—will come in the first year. The Department of Revenue says it will be $40,000,000 more of the second year's taxes coming in the first year, which will make the total $100,000,000 the first year. There is where we get the cash.

Apparently the Senator from Philadelphia, Mr. Shapiro, does not understand that while part of the taxes, whenever levied, will amount to $120,000,000, they do not come in the monthly; they will come in during the first and second years of the biennium. In other words, a large part of the first $60,000,000 will not come in until toward the close of the first year of the biennium. Apparently he has not taken that into consideration in his examination of the members of the Senate.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, tell us which of the taxes will come in before the end of the first year of this biennium?

Mr. OWLETT. Mr. President, half of all of them.

Mr. SHAPIRO. Mr. President, which of them?

Mr. OWLETT. Mr. President, half of all of them. Which do you refer to?

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, give me a single tax outside of the cigarette tax?

Mr. OWLETT. Mr. President, the corporation net income tax is levied on the corporate net income of corpo-

rations of this State for the year 1935, and they file their reports in March, 1936; and the tax, as estimated by the Department of Revenue, could be collected before the end of the first year of the biennium, which does not expire until July.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga, Mr. Owlett, admit that the corporation net income tax returns will not be made until March or April; and that the taxes under them are not due for sixty days thereafter—not twelve months, but eleven months? Will the Senator from Tioga admit that?

Mr. OWLETT. Mr. President, I will admit that half—

Mr. SHAPIRO. Mr. President, now, wlil the Senator from Tioga, Mr. Owlett, add another—

Mr. OWLETT. Mr. President, just a minute—I will admit that half the taxes, of the new taxes levied—that part of them will not come in until toward the end of the first year of the biennium; but the Senator from Philadelphia, Mr. Shapiro, apparently does not understand that the first year of the biennium does not end until the first day of July.

Mr. SHAPIRO. Mr. President, I do not understand it. Instead of saying twelve months he might have said eleven months, if he saw fit; but can he point out any other tax, outside of the one I have mentioned, which will come in before March or April or May?

Mr. OWLETT. Mr. President, I did not say April or May; I said the first year of the biennium. Does the Senator from Philadelphia, Mr. Shapiro, know when the fiscal year ends?

Mr. SHAPIRO. Mr. President, I would say it ends on the thirty-first day of May.

Mr. OWLETT. Mr. President, if the taxes come in in April and May, will they not come in during the first year of the biennium?

Mr. SHAPIRO. Mr. President, I am trying to ask the questions.—I will answer—cannot be used to pay the Blind or the Aged, who want their money in January, February and March of 1936. I understand that, and I would like to learn of any tax, from the Committee on Finance, or from anyone in this Senate, if there can be pointed out a single tax—gasoline tax, escheat tax, documentary tax—that will produce any money before February, March or April, by which time the blind will be hungry and the Old Age will be dead.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—20

Baumer,	Law,	Reed,	Sones,
Cavalcante,	McCreesh,	(Washington)	Sordoni,
Frey,	McGinnis,	Rodgers,	Thompson,
Harris,	Miller,	Rupp,	(Centre)
Huffman,	Pytko,	Shapiro,	Trainer,
Kahle,	Rankin,		

NAYS—29

Aron,	Ealy,	Mallery,	Roberts,
Batchelor,	Gelder,	McClure,	Salus,
Bean,	Graff,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,	Lanius,	Rice,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1600, entitled:

An Act to further amend section eleven of the act approved the seventeenth day of February one thousand nine hundred and six (P. L. 45) entitled "An act to regulate the deposits of State funds to prescribe the method of selecting State depositories to limit the amount of State deposits to provide for the security of such deposits to fix the rate of interest thereon to provide for the publication of monthly statements of money in the general and sinking funds to declare it a misdemeanor to give or take anything of value for obtaining the same and prescribing penalties for violations of this act" by further regulating the publication of statements issued by the State Treasurer from time to time concerning the moneys in the State Treasury.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. LAW. Mr. President, I ask unanimous consent to amend Section 1, page 3, line 1, by striking out the word "one" and inserting in lieu thereof: "two."

The PRESIDENT. Is there objections? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1600, be recomitted to the Committee on State Government for further study.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. LAW. Mr. President, I desire to interrogate the Senator from Dauphin. Mr. Reed.

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Dauphin, Mr. Reed, state whether the purpose of recommitting is to kill the bill.

Mr. REED (Dauphin). Mr. President, the bill did not have very thorough consideration at the hands of the committee, and I do not hesitate to say that it will be studied; but I question very much whether it will be re-reported.

An the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED (Dauphin) and Mr. HOWELL and were as follows, viz:

YEAS—29

Aron,	Ealy,	McClure,	Sordoni
Batchelor,	Gelder,	Owlett,	Staudenmeier,
Bean,	Graff,	Pierson,	Thompson,
Bennett,	Harvey,	Prince,	(Westmoreland)
Buckman,	Homsher,	Reed,	Trainer,
Chapman,	Howell,	(Dauphin)	Woodward,
Clark,	Hunsicker,	Salus,	Ziesenheim,
Coyne,	Mallery,	Shapiro,	

NAYS—20

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Harris,	McGinnis,	Rice,	Thompson,
Huffman,	Miller,	Roberts,	(Centre)
Kahle,	Pytko,		

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1605, entitled:

An Act to further amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aided highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by excluding diversion of traffic as an element of damage.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	McGinnis,	Rice,
Batchelor,	Harvey,	Miller,	Roberts,
Baumer,	Homsher,	Norton,	Rupp,
Bean,	Howell,	Owlett,	Salus,
Bennett,	Huffman,	Pierson,	Sones,
Buckman,	Hunsicker,	Prince,	Sordoni,
Cavalcante,	Kahle,	Pytko,	Staudenmeier,
Chapman,	Lanius,	Rankin,	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Dauphin)	Trainer,
Ealy,	McClure,	Reed,	Woodward,
Gelder,	McCreesh,	(Washington)	Ziesenheim,
Graff,			

NAYS—4

Frey,	Rodgers,	Shapiro,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to third reading and consideration of Senate Bill No. 1606, entitled:

An Act to amend section five hundred and fourteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by excluding diversion of traffc as an element of damage where county roads are relocated

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Graff,	McClure,	Rupp,
Batchelor,	Harris,	McCreesh,	Salus,
Baumer,	Harvey,	McGinnis,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Prince,	Staudenmeier,
Chapman,	Hunsicker,	Pytko,	Thompson.
Clark,	Kahle,	Reed,	(Westmoreland)
Coyne,	Lanius,	(Dauphin)	Trainer,
Ealy,	Law,	Rice,	Woodward,
Gelder,	Mallery,	Roberts,	Ziesenheim,

NAYS—7

Cavalcante,	Miller,	Reed,	Rodgers,
Frey,	Rankin,	(Washington)	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1607, entitled:

An Act to amend section one thousand and twenty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges in boroughs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	McGinnis,	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Clark,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,		
Graff,			

NAYS—1

Cavalcante,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 1608, on third reading, entitled:

An Act to amend article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by permitting such townships to establish special districts for the construction operation and maintenance of drains and sanitary sewers, to assess costs of construction operation and maintenance upon the properties benefitted to issue bonds secured by municipal liens on such properties and to levy and collect taxes for the payment of principal and interest on indebtedness and for the meeting of costs of maintenance and operation from sewer rentals

be recommitted to the Committee on Municipal Government.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1611, entitled:

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg placing said addition upon completion under the jurisdiction and control of the Department of Health and making an appropriation

And said bill having been read the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1620, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1621, entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred and ninety-nine (P. L. 229) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. GRAFF. Mr. Presidet, I ask unanimous consent to amend sec. 1, page 1, line 9, by striking out the words "twenty-eighth day;" amend Sec. 1, page 1, line 10, by striking out the entire line; amend Sec. 1, page 2, line 1, by striking out the words "five hundred seventy-one)" and insert in lieu thereof: "thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 868);" amend Sec. 1, page 2, line 26, by striking out the following "[to];" amend Sec. 1, page 2, line 26, by removing the underscoring from the word "of."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1622, entitled:

An Act to amend the title of and the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 301) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges shall become free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by extending the provisions thereof to tunnels for highway purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Daly,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1626, on third reading, entitled:

An Act providing for the escheat of certain dividends profits debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money securities or other property for safe-keeping except building and loan associations and fiduciaries with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest thereon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof and providing for the payment of fees and the procedure in the discovery and collection thereof and in connection therewith.

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I do not know what the purpose of this bill was, but its effect is that if there is a debt due by a corporation or individual for more than three years both the debt and the interest become escheated to the Commonwealth of Pennsylvania. I would further state, if the proponents of the bill do not object to it, I suggest that the bill be permitted to go over in its order or be referred back to the committee.

Mr. McCLURE. Mr. President, it is rather late in the session. This bill was given to me by one of the Department of Revenue and Finance. I have not had a chance to study the bill in all its details, but the purpose of this bill is to provide for escheats to the Commonwealth of all dividends or profits declared by any association or corporation not engaged in the business of receiving deposits of money, securities or other property for safekeeping, doing business in Pennsylvania.

Mr. SHAPIRO. Mr. President, I call attention to the fact that aside from the question as to whether or not such a bill would be a wise law, as I read the bill—and I confess it had to be read hurriedly, because these are the bills that have been introduced within the last few days—section two of the Act does not make any provision for the debt being unclaimed, but later it states "After any debt or debts, or interest on any debt or debts, owed by any association or corporation not engaged in the business of receiving deposits of money securities or other property for safe-keeping, shall have been and remained due and unpaid for three successive year, such debt or debts, and such interest on any debt or debts, shall be escheatable to the Commonwealth." There does not seem to be any provision as to whether the debt shall be claimed or unclaimed. It would seem to me to be a harsh law, to say the debt is escheated before the Statute of Limitations has run against the right to collect the debt.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. Presinet, I should like to ask the Senator from Philadelphia, Mr. Shapiro, if it is not a fact that in all these escheat measures if the lawful owner comes forward that money may be obtained from the State Treasury.

Mr. SHAPIRO. Mr. President, that may be true, but I doubt very much that the State should say to me that they should have the money first and have my friendly

cooperation over three years, then come back and try to get it back from the State. I do not think that is a fair law.

In other words, this bill provides that even before the Statute of Limitations has run, if I am willing to allow the corporation to continue to pay me the debt, five years from now the State can take the money. I do not think that is a proper piece of legislation under any circumstances.

Mr. McCLURE. Mr. President, I will agree to have it go over in its order, but I will call it up again tonight.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. LAW. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1518, on third reading.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1518, entitled:

An Act to amend section one of the act approved the twenty-third day of April one thousand nine hundred and nine (P. L. 159) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. LAW. Mr. President, I ask unanimous consent to amend title, page 1, last line of title, by inserting after the word "taken" the following: "and refuses on demand to return the same to the lawful owner: also Section 1, page 2, line 11, by inserting after the word "taken" the following: "and having refused on demand to return such property to the lawful owner."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. MILLER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northumberland, Mr. Miller, will state his question of personal privilege.

Mr. MILLER. Mr. President, several weeks ago I was asked to recommit a bill to the Committee on Law and Order for the purpose of further study and for amendments to be offered. The agreement was made that if I would recommit the bill, which was my own bill, that I would be assured that that bill would be put out on the floor for a vote. I recommitted the bill, we had a public hearing; and I want to say that there was one member of that committee present at the public hearing, and that was the chairman. Nobody gave the bill any consideration except outside opponents. Every amendment that was offered was gone over and talked over, and finally put in the bill. There has been none offered by any of the members of this Senate except the chairman of that committee.

Now, we have heard a lot during this session about people giving their word and sticking to it, and I want to say right here and now that since I have sat in this Senate if I gave my word I stuck to it, and I expect the men that gave me their word to stick to theirs.

Mr. President, I now move that the Committee on Law and Order be discharged from further consideration of Senate Bill No. 1040, so that the same can be returned to the Senate floor for second reading and constitutional consideration by this body.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. TRAINER. Mr. President, I think one of the hardest jobs I have ever had in my five years in this Senate has been the endeavor to get the Committee on Law and Order together. What the Senator from Northumberland, Mr. Miller, says is true. When there was a public meeting called, and the public meeting was postponed from two o'clock to five o'clock, with some three hundred—or whatever number fills that caucus room—waiting, and they were heard, up until last Wednesday I again tried to get the Committee on Law and Order together. The committee finally came to a meeting and the bill, Senate Bill No. 1040, was discussed and turned over to a sub-committee; and I have been at the sub-committee since to make a report to the general committee, and I understand by the chairman of the sub-committee that just as soon as the Senate recessed tonight the sub-committee would make a report; that we could take that bill up with the general committee. And that is the position I want to put myself in as chairman of the Committee on Law and Order—that it has been through no fault of mine, no lack of effort on my part to try and get the bill out; and I think if the Senator from Northumberland, Mr. Miller, will withdraw the motion and give the sub-committee an opportunity to speak tonight, which the Senator from Montgomery, Mr. Bean, has promised to do, that we may be able to give you an answer in the morning.

Mr. MILLER. Mr. President, for two weeks, as the chairman of the committee has stated, we have been trying to get this committee together, trying to get some report on the bill. The only objections I find are that some of the members of the committee object to the Governor's appointing the board. I want to state that, right at the present time the Governor appoints the Liquor Control Board, whether they like it or not. Now, if that is the objection, I would like to hear further on it.

I am willing to withdraw my motion if the committee will meet and do justice to this bill. Tonight there were two House Bills on Liquor Control that were not heard of when my bill was on the floor of this Senate, and yet they were re-reported out tonight for second reading, and mine is left in the discard. I cannot help what committee they came from; I had a promise that my bill would be reported out, and it has not been.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Trainer.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Trainer, permit himself to be interrogated?

Mr. TRAINER. Mr. President, I will.

Mr. SHAPIRO. Mr. President, since the Senator from Philadelphia, Mr. Trainer, states that it is true this bill was sent back with the understanding that it would be reported out again—that it was sent back for discussion and amendment, have any amendments been offered?

Mr. TRAINER. Mr. President, yes, the amendments are now in the hands of the sub-committee.

Mr. SHAPIRO. Mr. President, was it understood that at the time those amendments were offered the bill would be reported out?

Mr. TRAINER. Mr. President, no.

The PRESIDENT. The Chair does not understand the position of the Senator from Northumberland, Mr. Miller. Does he insist on the motion or is it withdrawn?

Mr. MILLER. Mr. President, if the committee will meet tonight and do justice to this bill, that it may be reported out for second reading, I will withdraw my motion; if not, I will let it stand as is.

The PRESIDENT. Can anybody give the Senator from Northumberland, Mr. Miller, that information?

Mr. TRAINER. Mr. President, as far as I am concerned the committee will meet, and if you care to take a recess just at this time, I have done all I could to get the bill out, and I want to say to you, Mr. President and members of the Senate, I think it is the best bill of the three that have been introduced into this Senate; I think it is a bill worthy of consideration; it has the endorsement of people that have already been opposed to the business.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. MILLER and Mr. FREY and were as follows, viz:

YEAS—24

Baumer,	Law,	Reed,	Shapiro,
Cavalcante,	McCreesh,	(Washington)	Staudenmeier,
Frey,	McGinnis,	Rice,	Thompson,
Harris,	Miller,	Roberts,	(Centre)
Huffman,	Prince,	Rodgers,	Trainer,
Kahle,	Pytko,	Rupp,	Ziesenheim,
Lanius,	Rankin,		

NAYS—25

Aron,	Coyne,	Hunsicker,	Salus,
Batchelor,	Ealy,	Mallery,	Sones,
Bean,	Gelder,	McClure,	Sordoni,
Bennett,	Graff,	Owlett,	Thompson,
Buckman,	Harvey,	Pierson,	(Westmoreland)
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	

So the question was determined in the negative.

BILL ON THIRD READING

Mr. HUFFMAN. Mr. President, I wish to call up at this time, Senate Bill No. 1181 (House Bill No. 926), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for County purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest and restricting the expenditure of such tax moneys regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas and providing for the depositing of funds heretfore paid into court

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1181 (House Bill No. 926), as follows:

An Act to amend section five hundred and eighteen of the act aproved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest and restricting the expenditure of such tax moneys regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas and providing for the disposition of funds heretofore paid into court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal [Payment Into Court] Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may see just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes

complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same and provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from [into the court to which such appeal is taken] [whereupon said court shall allocate and pay over to the proper uthorities such amount of said tax] to the tax collector under protest in writing in which case when the tax is paid over to the taxing district it shall be the duty of the tax collector to notify the taxing district of such payment under protest by delivering to it the protest in writing Whereupon the taxing district shall be required to segregate twenty-five per centum (25%) of the amount of the tax paid over and shall deposit the same in a separate account in the depository in which the funds of the taxing district are deposited and shall not be permitted to expend any portion of such segregated amount unless it shall first petition the court alleging that such segregated amount is unjustly withheld Thereupon the court shall have power to order the use by the taxing district of such portion of such segregated amount as shall appear to said court to be reasonably free from dispute and the remainder of the segregated amount [paid in] shall be held [by the court] segregated by the taxing district pending the final disposition of the appeal the amount found to be due the appellant as a refund shall also be a legal set off or credit against any future taxes assessed against the appellant by the same taxing district and where a taxing district alleges that it is unable to thus credit all of such refund in one year the court upon application of either party shall determine over what period of time such refund shall be made and shall fix the amount thereof which shall be credited in any year or years

Section 2 This act shall become effective immediately upon final enactment

Section 3 Where under the provisions of the existing law any appellant has heretofore paid any tax into court pending the disposition of an appeal the court shall upon application of the taxing district order the payment to the tax district of the total amoun of such fund and twenty-five per centum (25%) thereof shall be segregated and deposited by the taxing district in like manner and subject to like proceedings as hereinbefore required in the case of payments by appellants under protest

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HUFFMAN. Mr. President, I ask unanimous consent to amend sec. 1, page 5, line 2, by inserting after the word "years" the following: "This proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect, regardless whether there has been a payment of any moneys into court or to the tax collector under written protest."; amend sec. 3, page 5, line 9, by striking out the word "tax" and insert in lieu thereof "taxing".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING

Mr. HOWELL. Mr. President, I call up at this time. Senate Bill No. 1537 (House Bill No. 1703), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1537 (House Bill No. 1703), as follows:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town or township of this Commonwealth

Motion Picture Exhibitions Defined The words "motion picture exhibitions" as used in this act shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings together with any orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection therewith or incidental thereto

"Two O'clock Post Meridian" Defined The words "two o'clock post meridian" as used in this act shall be construed to mean "two" o'clock post meridian eastern standard time except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive when such words shall be construed to mean two o'clock post meridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period

Section 2 Penalty for Unlawful Motion Picture Exhibitions on Sunday It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibition regardless of whether a charge of admission is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday before the hour of "two" o'clock post meridian

It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided and in no case shall a person be employed as a projectionist or operator of motion

pictures on Sunday or in or about motion picture exhibitions unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days

Any person co-partnership association or corporation violating any of the provisions of this Section shall upon conviction thereof in a summary proceedings be sentenced to pay a fine not exceeding Fifty Dollars ($50.00) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any co-partnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten (10) days

Section 3 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five (1935) there shall be submitted in the manner provided by the election laws of the Commonwealth upon petition to the county commissioners of the city or borough council or of the township commissioners or supervisors or upon petition of electors equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general election a question to determine the will of the electors of each municipality in this Commonwealth with respect to motion picture exhibitions Such question shall be in the following form

Do you favor the conducting staging operating and exhibiting of motion pictures regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage operate or exhibit the same after two o'clock post meridian on Sunday	YES NO

The said question shall be printed in separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the acting chief executive officer of each municipality within the county

If at the election in the year one thousand nine hundred and thirty-five (1935) as herein provided a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock post meridian then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in this section it shall thereafter be lawful to conduct stage manage operate or engage in motion picture exhibitions from and after the hours of two o'clock post meridian on Sunday

The right to conduct stage manage operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday

If the vote of the electors in the municipality was not in favor of motion picture exhibitions then it shall be unlawful to conduct stage manage operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental after two o'clock post meridian on Sunday

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in Section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitioners equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which are permitted motion picture exhibitions from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in Section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not hitherto permitted such motion picture exhibitions after two o'clock post meridian on Sunday are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in Section 4 of this act such exhibitions shall thereafter be lawful

Section 6 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto after two o'clock post meridian on Sunday may be ascertained

Section 7 It shall be unlawful at any motion picture exhibition conducted or operated under the provisions of this act to provide for any form of entertainment except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto and any person or any member or agent of any co-partnership or association or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion pitcure exhibitions shall be guilty of a misdemeanor and in the proper court shall be punished by a fine of not more than One Hundred Dollars ($100.00) Each Sunday's providing furnishing conducting staging managing operating or engaging in furnishing any form of entertainment forbidden under this act shall constitute a separate offense hereunder

Section 8 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits motion picture exhibitions and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto All acts

and parts of acts inconsistent herewith be and the same are hereby repealed

Section 10 Effective Date This act shall be effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RANKIN. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object until I hear the amendments read.

The amendment was read for the information of the Senate, as follows:

Amend section 2, page 3, line 22, by striking out the words "not exceeding" and insert in lieu thereof "of."

Mr. BUCKMAN. Mr. President, I would like the sponsor of the amendment to tell us what it means; we have only heard what was read.

Mr. RANKIN. Mr. President, the bill states that if any person, co-partnership, association or corporation violates any of the provisions of this section, he or they shall upon conviction thereof in a summary proceedings be sentenced to pay a fine not exceeding fifty dollars. I am given to understand that in this City of Purity and Brotherly Love that the Senator from Philadelphia, Mr. Shapiro, has told us about today they usually fine them down to two dollars. This is to strike out the words "not exceeding." I want to vote for this bill but also would like to see some teeth in it that would keep this law in such form that it means something and therefore have offered this amendment so that they shall be fined fifty dollars.

Mr. SHAPIRO. Mr. President, I object to the amendment on the ground that there is a more important subject than this question as to whether a man shall be fined forty-nine dollars or fifty dollars. I do not know whether my city is called the City of Brotherly Love, but I suggest that my friend the Senator from Allegheny, Mr. Rankin, come down there and live and he will find out something about brotherly love and about moving pictures, too.

Mr. SALUS. Mr. President, with regard to finding violators of the present Act I want to assure the Senator from Allegheny, Mr. Rankin, that the law is complied with one hundred per cent; that there are no movies on Sunday in the City of Philadelphia, so that nobody gets fined because nobody gets arrested.

The President. The Chair hears objection.

Mr. THOMPSON (Centre). Mr. President, I move to reconsider the vote by which this bill passed second reading.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON. Mr. President, I think that this amendment is really essential to the bill it will be so easy to obviate the provisions of the bill unless there are some fines imposed in this bill which makes it possible to enforce the terms of the Act. Under the terms of the Act as they exist at present a fine of five cents can be imposed, and it would penalize the districts which have really voted for legitimate Sunday movies if the bill passes; and I say that I think this amendment is a very important factor in this bill.

Mr. SHAPIRO. Mr. President, I view with suspicion an amendment of this kind, and the careful concern that my friend on the other side has as to whether or not a Sunday movie law will be violated all over the State of Pennsylvania, and close at hand to those in the City of Brotherly Love, moving picture shows are held every Sunday, in many cities they are seen every Sunday, and I have not heard a word of protest from the other side. Now, when there is a bill to permit movies to be held on Sunday, when this bill comes in to permit movies to be held on Sunday, there is a great hue and cry about the fact that a judge might fine somebody two dollars instead of fifty dollars. They can well afford to let that judge take care of himself. If there is a violation and he fines them two dollars, he will have enough to worry about without concerning himself about whether the Senate votes two dollars or fifty dollars.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, thirty-two Senators voted in the affirmative, and seven in the negative; whereupon the question was decided in the affirmative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. THOMPSON (Centre). Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The tenth, ninth, eighth, seventh, sixth, fifth, fourth and third sections of the bill were separately reconsidered.

Mr. THOMPSON Centre). Mr. President, I move to reconsider the vote by which the second section was agreed to.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. RANKIN. Mr. President, I move to amend section 2, page 3, line 22, by striking out the words "not exceeding" and insert in lieu thereof "of."

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The first section of the bill was read and agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, before agreeing to this bill on second reading, the amendments having been agreed to, there is one other typographical error, and I move

that the question, together with the further consideration of the bill be postponed for one half hour, until amendment can be made—I will withdraw that motion, and ask unanimous consent that the bill go over in its order for one half hour.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. CLARK. Mr. President, I call up at this time, Senate Bill No. 1552 (House Bill No. 1123), on third reading, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No 1552 (House Bill No. 1133), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township County Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CLARK. Mr. President, I ask unanimous consent to amend Section 1, page 1, line 5, by striking out the figure "($1,000)" and inserting in lieu thereof: "four hundred and seventy-two dollars and seventy-five cents ($1,472.75)".

The PRESIDENT. Is there objections? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

CONSIDERATION OF SENATE BILLS ON SECOND READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bills in their order on second reading.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 91, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth, by adding section two hundred and fifty-nine defining the power of the Board of Fish Commissioners to prohibit fishing at night time for trout or in streams containing trout

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended by adding thereto the following section to read as follows

Section 259 Power of Board to Prohibit Night Fishing for Trout. The Board of Fish Commissioners shall have power by rule and regulation to prohibit fishing for trout during the hours from 10:00 o'clock post meridian and 4:00 o'clock anti meridian or to prohibit all fishing in any stream or streams inhabitated by trout during such hours. Any such rules and regulations shall be in force so long as specified therein shall specify the time when the same become effective and shall be published in such manner as the board may prescribe Any persons fishing in a stream contrary to such rules and regulations shall upon conviction as provided in chapter fourteen of this act be sentenced to pay a fine of ten dollars for each fish so unlawfully taken caught or had in possession

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1143, as follows:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week except in emergency cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every city of the first class shall allow and permit every member of such police department to have at least twenty-four consecutive hours of rest in every calendar week and shall rotate the members of the police department on a regular schedule except in emergency cases for the suppression of riots or tumults or in times of war pestilence conflagration or public celebrations without diminution of the salary or compensation fixed by ordinance or resolution of such city Provided however That no vacation or suspension period of a member of the police department shall be increased or reduced by reason of the fact that during such period such member if working would have been entitled to one or more rest days under the provisions of this act

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1290, as follows:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law re-

lating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An Act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal Payment into Court Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board or revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax as shall appear to said court to be reasonably free from dispute and the remainder of the amount paid in shall be held by the court pending the final disposition of the appeal Upon final disposition of the appeal the amount found to be due the appellant as a refund shall be a legal set off or credit against any future taxes assessed against appellant in the same taxing district Provided That where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 1307, on second reading, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of holders thereof.

be recommitted to the Committee on State Government for further study.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1516, as follows:

An Act for the protection of producers of farm produce providing for the licensing and regulation of certain individuals and entities receiving selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "farm produce" shall include all agricultural horticultural vegetable fruit and floricultural products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea or coffee

(b) The term "on consignment" shall mean any receiving or sale of farm products for the account of a person other than the seller wherein the seller acts as the agent for the owner

(c) The term "net return basis" shall mean a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(d) The term "commission merchant" shall include every person association copartnership or corporation who or which receives sells or offers for sale on consignment or on a net return basis within this Commonwealth any kind of farm produce

(e) The term "dealer" shall include every person association copartnership or corporation who or which purchases farm produce outright or on account from producers and who or which sells or offers for sale such farm produce for resale to wholesalers brokers commission merchants or retailers or retails such farm produce direct from original conveyances from point of origin

(f) The term "Department" shall mean the Department of Agriculture of this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce at public auction by a duly licensed auctioneer acting as the agent of another to whom such farm produce shall have been consigned

(b) Farm produce purchased outright and unconditionally or for cash freight on board point of origin by commission merchants

(c) Farmers who sell produce for themselves and their neighbors in farmers' markets or at roadside

(d) Seeds sold at retail

(e) Agricultural cooperative associations which market farm products for their members

Section 3 It shall be unlawful for any commission merchant or dealer to operate as such or at any place of business in this Commonwealth unless he or it shall hold a license issued by the Department for such business or place of business as in this act provided

Section 4 Every commission merchant or dealer desiring to transact business within this Commonwealth shall annually on or before June first file an application for such license with the Department The application shall be on a form furnished by the Department and together with such other information as the Department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townshpis within which places of business of the applicant will be located together with the street or mailing address of each if the application be for a commission merchant's license and the cities boroughs towns and townships within which the business of the applicant will be conducted together with the mailing address of the applicant and the number of conveyances to be used in such business if the application be for a dealer's license

Section 5 Unless the Department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees a license entitling the applicant to conduct business as a commission merchant at each place named in the application or as a dealer as the case may be until the first day of July in the year next following The fee for such license shall be fifteen dollars ($15) for each place of business which the applicant desires to conduct and names in the application if the application be for a commission merchant's license and fifteen dollars ($15) for each conveyance as shown by his application if the application be for a dealer's license

Section 6 Every commission merchant shall upon the receipt of farm produce and as he handles and disposes of the same make and preserve for at least one year a record thereof specifying the name and address of the consignor the date of receipt the kind and quality of such produce the amount of goods sold the name and address of the purchaser except that where sales total less than five dollars ($5) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith and an "account sales" together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours after such sale unless otherwise agreed in writing

Section 7 The Department shall have power to investigate upon complaint in such form as it may require of an interested person or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce on a consignment or net return basis the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market conditions with intent to deceive or the failure to make payment for goods received or other alleged injurious transactions and for such purposes the Department may examine at the place or places of business of the applicant or licensee that portion of his ledgers books or accounts memoranda or other documents which relate to the transactions involved and may take testimony thereon under oath

Section 8 The Department may decline to grant a license or may revoke a license already granted if it is satisfied that the applicant or licensee has either

1 Had a money judgment entered against him upon which execution has been returned unsatisfied or

2 Made false charges for handling or services rendered or

3 Failed to account promptly and properly or to make settlements with any producer or consignor or

4 Made any false statement or statements as to condition quality or quantity of goods received or held for sale on consignment or on a net return basis when he could have ascertained the true condition quality or quantity by reasonable inspection or

5 Made any false or misleading statement or statements as to market conditions or service rendered or

6 Been guilty of a fraud in the attempt to procure or the procurement of a license or

7 Directly or indirectly purchased goods for his own account without prior authority therefor or without notifying the consignor thereof

Section 9 Before the Department shall decline to license an applicant or shall revoke the license of a licensee it shall give ten day's notice by registered mail to such applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses After such hearing the Department shall take such action as it shall deem appropriate under the facts as it believes them to be

Section 10 Any commission merchant or dealer aggrieved by any decision of the Department shall have the right of appeal therefrom to the court of common pleas of Dauphin County

From a decision of the court of common pleas of Dauphin County an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

Pending final disposition of an appeal under this section the Department may for special cause shown grant temporary permission revokable at any time and subject to such terms and conditions as the Department may prescribe to transact business as a commission merchant or dealer under this act but unless such permission be granted any applicant to whom a license has been refused and any licensee whose license has been revoked by the Department who shall do business as a commission merchant or dealer shall be liable therefor to the same extent as if no application had been filed

Section 11 Any commission merchant or dealer violating the provisions of section three of this act shall be guilty of a summary offense and upon conviction thereof before a magistrate alderman or justice of the peace shall be sentenced to pay a fine of not less than one hundred dollars ($100) and the costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than thirty (30) days Each day of such violation shall constitute a separate offense

Section 12 The Attorney General at the instigation of the Department may in the name of the Commonwealth insitute proceedings in equity in the court of common pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 13 The Department shall be charged with the enforcement of this act All money received from license fees and fines shall be immediately paid by the Department into the State Treasury through the Department of Revenue

Section 14 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1530, as follows:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1523) is hereby further amended to read as follows

Section 3 Special requirements There shall be installed such emergency lighting systems sprinkler systems and fire alarm systems in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give the proper protection from fire and panic to those employed assembled lodged or housed therein No such systems shall be installed unless they are of a type approved by the Department of Labor and Industry

There shall also be attached to the intake pipe leading to each gas meter installed in buildings subject to the provisions of this act a combination automatic and manually operated gas shut-off device approved by the Department of Labor and Industry designed to minimize the danger of explosion and to prevent or retard the escape of gas in case of fire All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device installed by the Owner of said building within one year after the effective date of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1530, the bill just read, be re-committed to the Committee on State Government.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1624, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by limiting the amount of tax that may be levied by any local school district except in certain cases and requiring the Commonwealth to pay the full amount of all minimum salaries and increments of all members of the teaching and supervisory staffs in all school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309 entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 501 All taxes required by any school district in this Commonwealth in addition to the State appropriation shall be levied by the board of school directors therein The total amount of all such taxes for any year shall not in any school district exceed eight mills on each dollar of the total assessment of all property taxable for school purposes in such district Provided That when it is shown to the court of quarter sessions that the debts due by any school district exceed the amount which the board of school directors may collect in any year by taxation the court after ascertaining the amount of indebtedness of any school district may by a writ of indebtedness of any such school district may by a writ special taxation to collect an amount sufficient to pay the same If the amount of such indebtedness is so large as to render it inadvisable to collect the same in any one year taking into consideration other necessary taxation the court may direct the same to be levied and collected by annual installments and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same

Section 2 Section five hundred and twenty-four of said act as last amended by the act approved the twelfth day of March one thousand nine hundred and twenty-nine (P. L. 20) is hereby futher amended to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following

The board of school directors thereof shall annually levy a tax which shall for all purposes not exceed eight mills on each dollar of the total assessment of all property assessed and certified for taxation in said district which said tax shall be ascertained determined and fixed within said limits by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the [minimum] salaries and increments of the teaching and supervisory staff thereof as fixed [and provided by law] by the board and to pay the contributions of said district to the teachers' retirement system

(b) An amount sufficient to pay the interest on and

retire the principal of the indebtedness of said district at maturity

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount for the tax years one thousand nine hundred and thirty and one thousand nine hundred and thirty-one shall be equivalent to not less than two and three-quarter nor more than three and one-quarter mills on the dollar of the total assessment of all property assessed and certified for taxation therein and for the tax year one thousand nine hundred and thirty-two and thereafter an amount which shall be equivalent to not less than three nor more than three and one-half mills on the dollar of the total assessment of all property assessed and certified for taxation therein

Section 3 Section five hundred and thirty-seven of said act as amended by section one of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 508) is hereby further amended to read as follows

Section 537 In all school districts of the second third and fourth class all school taxes shall be levied and assessed by the board of school directors therein during the month of April or May each year for the ensuing fiscal year and [in school districts of the second class] shall not exceed [twenty] eight mills on the dollar [and in school districts of the third and fourth class shall not exceed twenty-five mills on the dollar] on the total amount of the assessed valuation of all property taxable for school purposes therein Provided That each school district of the second third or fourth class may also collect a per capita tax on each resident or inhabitant of such district over twenty-one years of age as herein provided

Section 4 Section one thousand two hundred and ten of said act as amended in part by the act approved the twelfth day of March one thousand nine hundred and twenty-nine (P. L. 18) sections twenty-seven twenty-eight and twenty-nine of the act approved the twenty-ninth day of March one thousand nine hundred and thirty-one (P. L. 243) the act approved the seventh day of May one thousand nine hundred and twenty-nine (P. L. 1587) section two of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 681) section three of the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 547 and the act approved the twenty-third day of May one thousand nine hundred and twenty-three (P. L. 328) is hereby further amended to read as follows

Section 1210 1 The minimum salaries of all teachers supervisors principals and superintendents in the public schools of the Commonwealth [except as otherwise hereinafter provided] shall be paid by the [several classes of] [districts in which such persons are employed] Commonwealth in accordance with the following schedules

2 Districts of the first class Elementary teachers minimum annual salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments ten (10) assistant high school teachers minimum annual salary one thousand five hundred ($1,500 minimum annual increment one hundred dollars ($100) minimum number of increments (3) junior high school teachers and city normal school training teachers minimum annual salary one thousand eight hundred dollars ($1,800) minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments eight (8) or minimum annual salary eighteen hundred dollars ($1,800) minimum annual increment one hundred seventy-five ($175) minimum number of increments six (6) high school teachers and city normal school teachers minimum annual salary one thousand eight hundred dollars ($1,800) minimum annual increment one hundred seventy-five dollars ($175) minimum number of increments eight (8) provided that subject to regulations prescribed by the State Board of Education and such additional regulations as the local board of public education may prescribe the minimum maximum salary for high school teachers shall be advanced to at least three thousand six hundred dollars ($3,600) supervisors minimum annual salary one thousand eight hundred dollars ($1,800) minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments eight (8) elementary school principals minimum annual salary two thousand one hundred dollars ($2,100) minimum annual increment two hundred thirty-seven dollars and fifty cents ($237.50) minimum number of increments eight (8) junior high school city normal school principals minimum annual salary four thousand dollars ($4,000 minimum annual increment two hundred fifty dollars ($250) minimum number of increments four (4) Vocational industrial manual training continuation school industrial art and similar teachers if classified in the elementary schools shall be entitled to the salary and increments prescribed in the schedule for elementary teachers or if classified in junior high schools they shall be entitled to the salary and increments prescribed in the schedule for junior high school teachers All teachers now holding valid licenses to teach in districts of the first class shall be deemed to have the minimum qualifications required by this act

3 The principalships in elementary continuation industrial trade junior high and high schools in districts of the first class shall be classified by the board of public education on the basis of the number of teachers or rooms in the school or such other facts and conditions as determine the relative importance and value of the service rendered by such principals The board of public education shall fix the number of increments the amount thereof and the maximum salary of each of such principals but no principal shall receive less than the minimum salary prescribed The increments provided in the foregoing schedule for principals apply to those principals only who serve in the schools of the highest classification which classification shall be determined by the board of public education

4 Each person on the teaching or supervisory staff in a school district of the first class on the first Monday of July one thousand nine hundred twenty-one shall be entitled to receive the minimum salary provided for herein and in addition thereto to one annual increment for each year of accredited service or experience not exceeding the number of increments authorized by this act

5 Districts of the second class Elementary teachers and elementary principals who devote less than one-half their time to supervision and administration minimum annual salary one thousand dollars ($1,000) minimum annual increment one hundred dollars ($100) minimum number of increments eight (8) high school teachers and high school principals who devote less than one-half their time to supervision and administration minimum annual salary one thousand four hundred dollars ($1,400) minimum annual increment one hundred dollars ($100) minimum number of increments eight (8) provided that where teachers in junior high schools have the qualifications required by the local school board for teachers of the senior high school they shall be placed upon the high school schedule otherwise they shall be placed upon the elementary school schedule supervisors minimum annual salary one thousand four hundred dollars ($1,400) minimum annual increment one hundred dollars ($100) minimum number of increments eight (8) elementary principals who devote one-half or more of their time to supervision and administration minimum annual salary one thousand six hundred dollars ($1,600) minimum annual increment one hundred dollars ($100) minimum number of increments eight (8) high school principals who devote one-half or more of their time to supervision and administration minimum annual salary three thousand dollars ($3,000 minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments eight (8) superintendents minimum annual salary five thousand dollars ($5,000)

6 Districts of the third class Elementary teachers and elementary principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand dallars ($1,000) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) high school teachers and high school principals who devote less than one-half of their time to supervision and administration minimum annual salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) provided that where teachers in junior high schools have the qualifications re-

quired by the local school board for teachers of the senior high school they shall be placed upon the high school schedule otherwise they shall be placed upon the elementary school schedule supervisors minimum salary one thousand two hundred dollars ($1,200) minimum annual increment one hundred dollars ($100) minimum number of increments four (4) elementary principals who devote one-half or more of their time to supervision and administration minimum annual salary one thousand four hundred dollars ($1,400) minimum annual increment one hundred dollars ($100 minimum number of increments four (4) high school principals who devote one-half or more of their time to supervision and administration minimum annual salary two thousand dollars ($2,000 minimum annual increment one hundred twenty-five dollars ($125) minimum number of increments four (4) superintendents minimum annual salary three thousand five hundred dollars ($3,500)

7 Districts of the fourth class Elementary teachers minimum monthly salary one hundred dollars ($100) high school teachers minimum monthly salary one hundred thirty dollars ($130)

7A Continuation school teachers in the second third and fourth class districts who are required to have qualifications equivalent to high school teachers shall be entitled to the salary and increments prescribed in the schedule for high school teachers or if qualifications are equivalent to elementary school teachers they shall be entitled to the salary and increments prescribed in the schedule for elementary school teachers All approved vocational agricultural vocational home economics or vocational industrial schools when organized as separate schools or departments in the second third and fourth class districts shall be classified as secondary schools and the teachers of these schools are to be entitled to the salaries and increments prescribed in the schedule for high school teachers

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars ($3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars ($3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred fifty thousand (150,000 minimum annual salary four thousand dollars ($4,000) county superintendents of counties having a population of one hundred and fifty thousand (150,000) or more minimum annual salary four thousand five hundred dollars ($4,500) all assistant county superintendents minimum annual salary three thousand dollars ($3,000)

9 The foregoing schedules prescribe a minimum salary in each instance and where an increment is prescribed it is also a minimum It is within the power of the boards of educaton boards of public school directors or county conventions of school directors as the case may be to increase for any person or group of persons included in this schedule the initial salary or the amount of an increment or the number of increments or the minimum qualifications set forth in this act Teachers shall be entitled to the increments provided for in said schedules who have complied with such requirements as may be prescribed by the State Board of Education except where additional qualifications are required by the local board of public education or board of school directors

Nothing contained in this act shall be construed to interfere with or discontinue any salary schedule now in force in any school district so long as such schedule shall meet the requirements of this section nor to prevent the adoption of any salary schedule in conformity with the provisions of this act.

10 The increments herein provided for are applicable only where the beneficiaries thereof remain in the service of the same school district Where such teachers enter a new district they shall enter at a point in the schedule to be agreed upon between said teachers and the employing districts which agreement shall be made a part of the contract between them

11 Teachers who are required because of additional work to devote more than the usual number of periods per day to their duties shall be entitled to a fair increase in compensation to be determined by the board of public education or the board of school directors Teachers who may be employed in giving instruction for only part of a day shall render such other service for such period of time per day as the board of public education or the board of school directors may direct but if such service cannot be assigned to such teacher by the board of public education or the board of school directors the salary paid to such teacher shall be proportioned to the number of hours of service rendered

12 Only those persons holding one of the following certificates shall be qualified to teach in the public schools of this Commonwealth College permanent certificate college provisional certificate normal school diploma normal school certificate special permanent certificate special temporory certificate permanent State certificate certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of this act as amended or such other kinds of certificates as are issued under the rules and regulations of the State Board of Education or State Council of Education The State Board of Education shall also provide for the issuance of certificates by county or district superintendents to meet such emergencies or shortage of teachers as may occur.

13 The holders of any of the foregoing certificates shall be entitled to the benefits of the salary schedule where the qualifications required for such certificates include not less than graduation from a State normal school of this Commonwealth or equivalent training but all holders of certificates which are permanent licenses to teach in the public schools of the Commonwealth shall be entitled to the benefits of this salary schedule and nothing in this act nor any regulations of the State Board of Education shall invalidate any permanent certificate except as hereinafter provided on acount of incompetence cruelty negligence immorality or intemperance Teachers not entitled to the benefits of the salary schedule herein provided shall become entitled to such benefits by meeting the qualifications prescribed in this act and such teachers until so qualified shall receive at least seventy-five ($75) dollars per month Provided That a teacher holding a professional certificate or a certificate of equipment value as determined by the State Board of Education shall receive a minimum monthly salary of eighty-five dollars ($85) upon meeting such qualifications as shall be required under the rules of the State of Education

14 After the first day of September one thousand nine hundred twenty-seven all persons receiving certificates to teach in the public schools of the Commonwealth except emergency certificates as herein provided for shall have the qualifications required herein of herein of beneficiaries of the salary schedule.

15 The State Board of Education shall provide for summer schools in normal schools colleges universities and other educational institutions and for extension courses and correspondence courses for all teachers employed in the public school system of the Commonwealth who wish to acquire the minimum qualifications prescribed herein or such further qualifications as may be desirable

16 The board of public education or board of school directors of each school district shall establish a salary schedule with increments for all members of the teaching and supervisory staff not included in the schedule herein provided

17 All certificates in effect the first Monday in July one thousand nine hundred twenty-one shall remain valid for the period of time for which they were issued or renewed

18 In school districts of the second third and fourth classes at the beginning of the school year following the approval of this act each teacher supervisor or principal employed in the same school district in which he was employed for the previous school year shall be entitled to the salary provided in the schedule next higher than the salary received by the said teacher during the said previous school year.

19 [Of the] The Commonwealth shall pay all of the minimum salaries herein provided for full-time teachers

supervisors principals and all other full-time members of the teaching and supervisory staff in the public schools of the Commonwealth [the Commonwealth shall pay] for the biennium year beginning June first one thousand nine hundred and [twenty-three] thirty-five and each biennium year thereafter to such school districts as comply with the laws governing the public schools of the Commonwealth for the payment of the salaries of each of said persons employed therein as shown by the certificate herein required to be filed with the Superintendent of Public Instruction in the November immediately preceding any such biennium year [as follows In school districts of the first class for each member of the teaching and supervisory staff twenty-five per centum (25%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the second and third class for each member of the teaching and supervisory staff thirty-five per centum (35%) of the annual minimum salary prescribed herein for elementary teachers in such districts except that where such districts are organized upon a quarterly basis and the schools thereof are being operated and] [kept open throughout the entire twelve months of the school year the Commonwealth shall pay for each member of the teaching and supervisory staff so employed in such districts forty-six and two-thirds per centum (46 2/3) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the fourth class for each member of the teaching and supervisory staff fifty per centum (50%) of the annual minimum salary prescribed herein for teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the first second and third class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for elementary teachers in such districts and that the amount paid to a school district of the first second and third class which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for elementary teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five per centum (75%) of the annual mimimum salary prescribed herein for teachers in such districts and that the amount paid to a school district of the fourth class which has a true [valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for teachers in such districts Provided That where any member of the teaching or supervisory staff receives less salary than the minimum salary prescribed by the foregoing salary schedule for the class of district in which he is teaching there shall be paid to the district a corresponding percentum of the salary paid to such person Provided further That in] In districts of the first second third and fourth classes the minimum salary of part-time teachers supervisors and principals employed in the extension schools and classes of the Commonwealth established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes shall be one dollar ($1.00) per hour the minimum annual increment in salary in such extension schools and classes shall be twenty-five cents ($.25) per hour the minimum number of such annual increments shall be two (2) [And provided further That for each part-time member of the teaching and supervisory staff employed by any school district in extension schools and classes approved by the Department of Public Instruction established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes the Commonwealth shall pay to the several districts the same per centum of the minimum salary herein required to be paid to part-time [teachers in such extension schools and classes as is paid to such districts of the minimum salary of the full-time teachers And provided further That for each full-time teacher of a special class and for each full-time supervisor or principal of special schools or classes organized by any school district and approved under legislation providing for the special education of physically or mentally handicapped pupils there shall be paid to the district in addition to other payments herein provided sums as follows To districts of the first class twenty-five per centum (25%) and to other districts thirty per centum (30%) of the minimum salary respectively prescribed herein for elementary teachers in such respective districts and for each part-time teacher supervisor or principal employed in approved special education a fraction of such amounts proportional to the time for which such person is employed And provided further That the total amount paid to any school district on account of any such teacher supervisor or principal employed in special education shall not exceed eighty per centum (80%) of the salary actually paid to such person Provided further That the] The Superintendent of Public Instruction shall annually apportion to each fourth class district the sum of two hundred dollars ($200) for each school permanently closed or discontinued in such district since nineteen hundred eleven or which may hereafter be permanently closed or discontinued or which was heretofore permanently closed or discontinued under the provisions of the act of April twenty-fifth one thousand nine hundred and one (P. L. 105) entitled "An act to provide for the centralization of township schools and to provide high schools for townships' and all payments heretofore made by the Commonwealth and all requisitions and warrants heretofore drawn for payments for schools permanently closed or discontinued under the provisions of said act are hereby ratified validated and declared legal [And provided further That in] In addition to the payments herein provided on account of members of the teaching and supervisory staff employed in any school district and on account of schools permanently closed or discontinued in any district each district shall receive [its proportionate share] the full amount of the minimum salaries required to be paid to such additional members of the teaching and supervisory staff as may have been employed subsequent to the certificate to the Superintendent of Public Instruction in the November previous to the biennium year and its apportionment as herein provided for additional schools permanently closed or discontinued subsequent to such certificate [Payments required by this proviso] Such payments shall be made after certificate to the Superintendent of Public Instruction in the November of the biennium year in addition to the last quarterly payment of the biennium as hereinafter provided

The true valuation per teacher for each district shall be determined by the State Council of Education on data and material submitted by the officers of such district in the annual report to the Superintendent of Public Instruction if such data and material shall after investigation by the State Council of Education be found correct otherwise upon such data and material as modified corrected and approved by said Council of Education The true valuation per teacher shall be found by dividing the true valuation of the district by the number of full-time teachers which number shall include all teachers principals supervisors and superintendents employed in the vocational and non-vocational schools of the district for the year covered by such report which number in districts of the fourth class shall also include one teacher for each teacher who at the time of the closing of any school in such district subsequent to June first one thousand nine hundred and twenty-three not since reopened was employed in such school The true valuation of the taxable property of each school district shall be obtained by dividing the amount of the assessed valuation certified in the annual report of the district for the school year ending June thirtieth one thousand nine hundred and twenty-two and every second year thereafter as corrected and approved by the State Council of Education after investigation by the average rate of assessment certified in such annual reports for the three years immediately preceeding the date on which such true valuation is determined as corrected and approved by the State Council of Education after investigation The true valuation of each school district for the two fiscal years beginning on

June first one thousand nine hundred and twenty-five and ending May thirty-first one thousand nine hundred and twenty-seven and for each biennium thereafter shall be determined during the month of October one thousand nine hundred and twenty-four and in the month of October of every second year thereafter The State Council of Education is hereby given full power and authority to make such investigations to take such action and to institute such proceedings as may be necessary to determine any of the questions that may be raised in the determination and adjustment of the aforesaid true valuations and the decisions which such council reaches in such questions shall be final and conclusive

Twenty On or before the first day of November of each year each school district of the first and second class and each school district of the third class having a district superintendent shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him showing the number of full-time teachers supervisors principals and other full-time members of the teaching and supervisory staffs the certificates held by each and the compensation paid each for the current school year and showing further the number of part-time teachers supervisors and principals employed in extension schools and classes established as herein provided the certificates held by each and the compensation paid each during the preceding school year On or before the first day of October of each year each school district of the third class not having a district superintendent and each school district of the fourth class shall forward such a certificate to the county superintendent and if approved by him the county superintendent shall forward the same to the Superintendent of Public Instruction on or before the first day of November of each year

Twenty-one The Superintendent of Public Instruction shall ascertain and determine the amount of funds required to meet each of the four payments to school districts which become due and payable within the two fiscal years beginning June first one thousand nine hundred and twenty-three and ending on May thirty-first one thousand nine hundred and twenty-five and each biennium thereafter on the data and material contained in the certificates which school districts are required by law to file with the said superintendent on November first immediately preceding the beginning of each biennium and the said superintendent shall also apportion and allot the same to and among the respective districts Provided That the amount paid to any school district within any biennium shall be computed on the data and information contained in the certificates required to be filed on the first day of November of each year as herein provided In no case shall the amount paid to any such school district exceed the amounts computed on such data

Twenty-two When the amount payable to each school district has been ascertained and determined by the Superintendent of Public Instruction he shall certify the same to the State Treasurer and Auditor General who shall place the amounts to the credit of the respective school districts The Superintendent of Public Instruction shall transmit to each county and district superintendent a statement showing the amount which has been apportioned and allotted to each school district under the supervision of such county or district superintendent

Twenty-three The amount apportioned and allotted to each school district shall be divided into equal semi-annual installments and the Superintendent of Public Instruction shall draw his warrants semi-annually upon the State Treasurer in favor of each district for the amount to which it is entitled and payment thereof shall be made to fourth class districts during the months of February and August of each year to second and third class districts during the months of March and September of each year and to first class districts during the months of April and October of each year Provided That reimbursement on account of salaries required to be paid for extension schools and classes as herein provided shall be made to school districts maintaining approved extension schools and classes established as herein provided and shall begin with the first semi-annual payment of the biennium beginning the first day of June one thousand nine hundred and twenty-seven

[Twenty-four Boards of school directors of school districts of the second third and fourth class are hereby authorized and directed to levy annually a tax on each dollar of the total assessment of all property assessed and certified for taxation therein to pay the minimum salaries and increments of the teaching and supervisory staff provided for herein Said tax shall not be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed or limited by law Provided That in districts of the fourth class the tax herein authorized together with all other school taxes levied in the district shall not exceed thirty-five (35) mills on each dollar of the assessed valuation thereof]

Section 5 The provisions of this act shall become effective as to all tax levies made by all school districts for the year one thousand nine hundred and thirty-six and for each year thereafter and as to payments made by the Commonwealth to school districts of the first class during and after the month of April one thousand nine hundred and thirty-six as to payments made to school districts of the second and third class during and after the month of September one thousand nine hundred and thirty-six and as to payments made to school districts of the fourth class during and after the month of August one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

On the question,

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President, I want to say that I see no reason why this bill should be recommitted, because to recommit it at this time is simply to kill the bill. There will be ample opportunity to study it by the time it is on the third reading calendar, and I hope the motion will be voted down.

Mr. CAVALCANTE. Mr. President, I am not drawing lances with the Senator from Dauphin, but not long ago he saw fit to move to recommit a bill for the specific purpose for which he says this bill is to be recommitted. I do not think it is anything outrageous at all.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty Senators voted in the affirmative and twenty-one in the negative; whereupon the question was decided in the negative.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1625, as follows:

An Act requiring the compensation of all deputy sheriffs to be paid by the counties in which they are employed prohibiting all contracts and agreements for the payment thereof by any person copartnership association or corporation except by reimbursing the county and fixing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the compensation of all deputy sheriffs appointed or employed in any county of this Commonwealth shall be paid only by such county and in the amount and in manner now or hereafter fixed by law Provided That any person copartnership association or corporation may reimburse any county for the fees compen-

sation or expenses or any part thereof of any deputy sheriff

Section 2 Any person who shall enter into any agreement or contract in violation of the provisions of this act or who shall undertake to pay any part of the compensation of any deputy sheriff except by reimbursing the county therefor shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars nor more than five hundred dollars or shall undergo an imprisonment of not more than six months or both

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1625, the bill just read, be recommitted to the Committee on Labor and Industry for the purpose of amendment.

Mr. HUNSICKER. Mr. President, I second the motion

On the question,

Will the Senate agree to the motion?

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, some years ago there was elected—

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, there is a motion before the house, and a question of personal privilege is out of order at this time.

The PRESIDENT. The Chair does not know yet what the Senator is going to talk about.

Mr. BUCKMAN. There is a motion before the house, and therefor there can be no question of personal privilege before this motion is considered.

Mr. PRESIDENT. Is it the purpose of the Senator from Fayette, Mr. Cavalcante, to speak on the motion to recommit?

Mr. CAVALCANTE. Mr. President, on the motion to recommit.

Mr. BUCKMAN. Mr. President, the Senator from Fayette, Mr. Cavalcante, does not need personal privilege, then.

Mr. PRESIDENT. No. The Senator from Fayette, Mr Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, some years ago there was elected in Westmoreland County a sheriff who, after his election, proceeded to—

Mr. SHAPIRO. Mr. President, at this late hour I object. I object because we are not interested in the romance and history of Westmoreland County on a motion to recommit.

The PRESIDENT. The objection is overruled. In the opinion of the Chair it is not well taken.

POINT OF ORDER

Mr. LAW. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his point of order.

Mr. LAW. Mr. President, my point of order is on the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. In the opinion of the Chair, the point of order is not well taken. The Senator from Fayette, Mr. Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, I forget where I was.

Mr. SHAPIRO. Mr. President, the Senator from Fayette, Mr. Cavalcante, began by saying "Some years ago a sheriff was elected in Westmoreland County." Now, I hope he does not come back with the constable.

Mr. CAVALCANTE. Mr. President, this sheriff, while in office, proceeded to appoint many persons as deputies for the companies that were having some trouble with their employees. Now, the system under which that sheriff appointed the deputies was that the company—the sheriff appointed the deputy and the company paid the sheriff, I think, $13.50 a day for every deputy appointed.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

Mr. SHAPIRO. Mr. President, I object; I am interested now.

Mr. BUCKMAN. Mr. President, the Senator from Fayette, Mr. Cavalcante, is discussing the merits of the bill, which is not in order; this is on a motion to recommit the bill. The merits of the bill are not in order at this time, nor the sheriff of Westmoreland County or any other county.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will confine himself to the motion.

Mr. CAVALCANTE. Mr. President, very well. And the sheriff collected his $13.50 for each deputy, but when he paid the deputy he only paid him $5.00 a day; and that made a net profit of about $8.50 a day on each deputy sheriff.

Mr. BUCKMAN. Mr. President, I ask for a ruling on my point of order.

The PRESIDENT. The Senator will confine himself to the motion before the house.

Mr. CAVALCANTE. Mr. President, I am trying to tell the Senator from Bucks, Mr. Buckman, why this bill should not be recommitted to committee.

Mr. SHAPIRO. Mr. President, the Senator from Fayette, Mr. Cavalcante, is going to New York by way of San Francisco, and I object.

Mr. CAVALCANTE. Mr. President, I think I am speaking on the question before the house. And the gentleman, the sheriff from Westmoreland County,—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there was a motion made that Senate bills on second reading be given preference and considered in order. The proper bill to be considered at this time is Senate Bill No. 1624.

The PRESIDENT. Senate Bill No. 1624 has already been considered. The Senator from Fayette, Mr. Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, this sheriff was finally—

Mr. SHAPIRO. Mr. President, I insist on my point of order.

Mr. CAVALCANTE. Mr. President, well, anyway, it ended up that the sheriff got into the workhouse. This motion to recommit this bill is a motion—

Mr. SHAPIRO. Mr. President, I insist on a ruling on my point of order. The proper bill to be considered at this time is Senate Bill No. 1624, which has not been acted upon.

The PRESIDENT. In the judgment of the Chair Senate Bill No. 1624 was passed on second reading.

Mr. SHAPIRO. Mr. President, it was never called; I am satisfied of it.

The PRESIDENT. No, Senate Bill No. 1624 was passed, Senator; you are now getting action on the previous bill, considering the motion to recommit. That is where the confusion happens.

Mr. SHAPIRO. Mr. President, I understood that the Senator from Dauphin, Mr. Reed, moved to recommit Senate Bill No. 1530 after it was passed on second reading.

The PRESIDENT. Yes. The record indicates that Senate Bill No. 1624 passed second reading.

Mr. SHAPIRO. Mr. President, I withdraw my motion and shall be glad to hear the Senator from Fayette, Mr. Cavalcante.

Mr. CAVALCANTE. Mr. President, I wish the Senator from Philadelphia, Mr. Shapiro, would tell me where I left off.

Mr. SHAPIRO. Mr. President, the Senator from Fayette left off where he—

Mr. CAVALCANTE. Mr. President, the sheriff found himself in the workhouse—

Mr. SHAPIRO. Mr. President, I object; the Senator from Fayette left off with $8.50 profit.

Mr. CAVALCANTE. Mr. President, well, he made $8.50 profit on every deputy, and he made so many of them that somebody got jealous, and saw that he got into the workhouse for getting too many of those $8.50's.

Now then, Mr. President, this motion to recommit, on the floor now, is a motion to recommit a bill to eliminate that sort of practice; and I recommend this bill to that committee,—I am not going to oppose the motion to recommit, because, as I have stated on this floor on two different occasions, when I make a promise I intend to keep it. The motion is made, but this motion is to recommit the bill to correct that practice that I have just stated that the sheriff of Westmoreland County engaged in, and found himself in the workhouse.

Mr. President, I shall be very glad to second the motion of the Senator from Dauphin, Mr. Reed, myself, so that this bill may go back for amendment; but I do wish that the amendments that are made do not emasculate the bill, do not make it useless, but will be made with a view of correcting the practice that I have just illustrated.

Mr. REED (Dauphin). Mr. President, before the motion is put may I inquire if this bill passed second reading?

The PRESIDENT. No, not yet.

Mr. REED (Dauphin). Mr. President, I will ask, if possible, that my motion be suspended until after the bill passes second reading.

On the question,

Will the Senate agree to the bill on second reading?

It was agreed to.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1625, the bill just read, be recommitted to the Committee on Labor and Industry for the purpose of amendment.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, Senate Bill No. 1624 was introduced with the understanding that after second reading it would be referred back to the Committee on Education.

Mr. President, I now move that Senate Bill No. 1624, the bill just read, be recommitted to the Committee on Education.

Mr. CAVALCANTE. Mr. President, on that motion, it was explained to me that the bill would be referred back for study, and careful study; and I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1636, as follows:

An Act making an appropriation for the payment of the salaries of Members of the Senate and House of Repre the Session of the General Assembly of one thousand sentatives elected to fill vacancies happening during nine hundred and thirty-five

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two thousand dollars is hereby specifically appropriated for the purpose of paying the salaries of Members of the Senate and House of Representatives elected during the Session of the General Assembly of one thousand nine hundred and thirty-five to fill vacancies happening during said session as follows

To the Secretary of the Senate for the payment of the salary of any Senator so elected the sum of one thousand dollars ($1,000) or so much thereof as may be necessary

To the Chief Clerk of the House of Representatives for the payment of the salary of any Member of the House of Representatives so elected the sum of one thousand dollars ($1,000) or so much thereof as may be necessary

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CONSIDERATION OF REMAINING BILLS ON SECOND READING CALENDAR

Mr. BUCKMAN. I move that the Senate do now proceed to the consideration of the remaining bills on Second Reading Calendar.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 336 (House Bill No. 117), as follows:

An Act To regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "solid fuel" when used in this act shall mean anthracite semi-anthracite bituminous semi-bituminous or lignite coal briquettes boulets coke gas-house coke petroleum coke petroleum carbon charcoal or any other natural manufactured or patented fuel not sold by liquid or metered measure

The term "person" when used in this act shall be construed to include any individual partnership unincorporated association or corporation

Section 2 It shall be unlawful to sell solid fuels excepting by weight No person shall sell or deliver or start out for delivery less than two thousand (2,000) pounds of weight to the ton of any solid fuel or a proper proportion thereof in quantities less than a ton and such solid fuel shall be duly weighed by a licensed weighmaster on accurate scales and tolerance at the rate of thirty (30) pounds to the ton shall be allowed for unavoidable wastage and unavoidable variation in scales

Section 3 No person upon the sale of solid fuel shall deliver or cause to be delivered or to be started out for delivery any solid fuel without each lot in each separate compartment of any vehicle or vehicle and trailer being accompanied by a weight certificate issued by a licensed weighmaster on which shall be distinctly expressed

(a) In pounds the weight kind and size of the solid fuel

(b) The name of seller

(c) The name of the purchaser

(d) The license number of the vehicle and

(e) The signature of the licensed weighmaster by whom weighed

In all cases the weight certificate shall be delivered to the purchaser

When solid fuel is sold in lots of less than one hundred (100) pounds the provisions of this section shall not apply if the solid fuel is delivered in closed containers or closed bags and the net contents of such bag or container expressed in pounds is plainly stamped or printed thereon or upon a tag securely attached thereto This section shall not apply to the sale of a boatload or railroad carload of solid fuel delivered direct from the boat or car to one purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier

Section 4 Where any person shall for practical reasons be unable to deliver solid fuel to the purchaser originally designated in the weight certificate he may under specific authority of any licensed weighmaster substitute the name and address of another purchaser provided that report of such substitution is made to the licensed weighmaster within twenty-four hours.

Section 5 Any weights and measures official of this State or of any local government of this State who finds any quanity of solid fuel ready for or in process of delivery may direct the person in charge of the solid fuel to convey the same to the nearest available accurate scales designated by said official Such official shall thereupon determine the weight of the solid fuel and the vehicle on which it is carried and shall direct such person in charge to return to such scales forthwith upon unloading the solid fuel and upon such return the official shall determine the weight of the vehicle without load No person in charge of a vehicle containing such solid fuel or from which such solid fuel has been unloaded shall fail to take the vehicle upon the direction of the weights and measures official to scales as aforesaid or refuse to permit the solid fuel or vehicle to be weighed by such official

Section 6 No person shall make or issue a weight certificate of solid fuel unless licensed by the Secretary of the Department of Internal Affairs of this Commonwealth Application for such license shall be made upon a form prescribed by the Secretary of said Department and shall indicate the place where the weighmaster shall perform this function and the type and capacity of the scale to be used by the applicant The applicant shall furnish satisfactory evidence of good moral character and of ability to weigh accurately and to make correct weight certificates The applicant shall pay a license fee of five dollars ($5.00) to the Secretary of said Department for remittance to the State Treasurer The license shall be for a period not exceeding three years A license may be renewed in the discretion of the Secretary for successive periods of not exceeding three years each upon payment of a license fee of five dollars ($5.00) to the Secretary of the Department of Internal Affairs for remittance to the State Treasurer Each license shall be kept at the place where the weighmaster is engaged in weighing and shall be open to inspection A license may be revoked by the Secretary of the Department of Internal Affairs after hearing upon due notice to the licensee for dishonesty incompetency inaccuracy or for any violation of the provisions of this act and must be revoked by the Secretary when the weighmaster has lost his employment at the place of weighing for which the license has been issued

Provided however that in any case where a license has been revoked any person shall be authorized to substitute at the place for which said revocation was made another weighmaster in his employ and duly certified as such under the provisions of this act pending disposition by the Secretary of Internal Affairs of a new application for license of a new applicant as weighmaster at the place for which the license has been revoked and provided further that the said new application must be forwarded to the Secretary of Internal Affairs within five days of the substitution of another weighmaster

In case of the absence or inability to act of a licensed weighmaster any person may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly certified as such under the provisions of this act provided that immediate notice of such substitution be reported by said person to the Secretary of Internal Affairs and further provided that any such substituted weighmaster shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days unless with the written consent of the Secretary of Internal Affairs

Section 7 It shall be unlawful for any weighmaster to issue a false or incorrect weight certificate or for any person to solicit him to do so It shall be unlawful for any person knowingly to use a false or incorrect weight certificate or to use a weight certificate not bearing the signature of a licensed weighmaster and the license number of the vehicle It shall be unlawful for any weighmaster knowingly to permit any weight certificate to be issued or used which purports to bear his signature and which was not in fact signed by him or which expresses a weight not ascertained by him It shall be unlawful for any person to deliver solid fuel without a weight certificate or to permit any diminution of the load of solid fuel before its delivery to the purchaser or purchasers thereof or to fail neglect or refuse to deliver a correct and lawful weight certificate to the purchaser of solid fuel

Section 8 Any person violating any of the provisions of this act shall upon summary conviction before a magistrate be sentenced for the first offense to pay a fine of not more than fifty dollars ($50.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days and for the second offense be sentenced to pay a fine of not more than one hundred dollars ($100.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than thirty days and for the third and each succeeding offense shall be sentenced to pay a fine of one hundred dollars ($100) and costs of prosecution and shall undergo imprisonment for thirty days

Section 9 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of the act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 10 This act shall not apply to the sale and distribution of solid fuel to persons residing within a radius of ten miles from the place where such solid fuel is produced unless the purchaser shall require such solid fuel to be weighed as provided herein and/or unless the delivery shall be made to persons residing within the limits of a municipality requiring the said solid fuel to be weighed

Section 10 This act shall become effective immediately upon final enactment

Section 12 The act approved the second day of January one thousand nine hundred and thirty-four (P. L. 196. 1933-34) entitled "An act to regulate the sale and delivery of coal coke petroleum coke briquettes and other solid fuels providing for appointment of public weighmasters prescribing their powers and duties imposing certain duties on the Department of Internal Affairs and providing penalties" is hereby repealed

All other acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 651 (House Bill No. 1243), entitled:

An Act to amend title of and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-two) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-two) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" is hereby amended to read as follows

An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties

The second section of the bill was read as follows:

Section 2 That said act is hereby amended by adding thereto section three to read as follows

Section 3 That at every bituminous coal mine in this Commonwealth where coal is mined by weight or measure the miners or a majority of those present at a meeting called for that purpose shall have the right to employ a competent person employed in such mine as check-weighman or check-measurer as the case may require who shall be permitted at all times to be present at the weighing or measurement of coal also have power to weigh or measure the same and during the regular working hours to have the privilege to balance and examine the scales or measure the cars Provided That all such balancing and examination of scales shall only be done in such way and in such time as in no way to interfere with the regular working of the mines And he shall not be considered a trespasser during working hours while attending to the interests of his employers And in no manner shall he be interfered with or intimidated by any person agent owner or miner And any person violating these provisions shall be held and deemed guilty of a misdemeanor and upon conviction thereof he shall be punished by a fine of not less than twenty dollars and not exceeding one hundred dollars or imprisonment at the discretion of the court It shall be a further duty of check-weighman or check-measurer to credit each miner with all merchantable coal mined by him on a proper sheet or book to be kept by him for that purpose When differences arise between the check-weighman or check-measurer and the agent or owners of the mine as to the uniformity capacity or correctness of scales or cars used the same shall be referred to the sealer of weights and measures of the county where the mine is located whose duty it shall be to regulate the same at once Provided further That should any weighman or weighmen agent or check-measurer whether employed by operators or miners knowingly or wilfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act or wilfully neglect the balancing or examining of the scales or cars or knowingly and wilfully weigh coal with an incorrect scale he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) or by imprisonment not exceeding three months in the discretion of the Court

On the question.

Will the Senate agree to the section?

Mr. EALY. Mr. President, I move to amend section 2, page 2, line 15, by inserting after the words "check-weighman" the following: "or check-measurer, as the case may require, who shall be permitted"; amend Sec. 2, page 2, line 16, by placing a dark faced bracket before the word "county"; amend Sec. 2, page 2, line 16, by striking out the words "punished by a fine not".

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend title of and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (P. L. 52) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President. I move that Senate Bill No. 693 (House Bill No. 132) on second reading, entitled·

An Act prohibiting the employment of minors in the bituminous coal mines unless certificated after examination by a miners examining board providing for the appointment of such boards and defining their powers and duties and providing penalties

be recommitted to the Committee on Judiciary Special.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Dauphin, Mr. Reed.

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I understand that there are certain amendments that certain members of this body want to make to this bill. Is that the purpose of referring it back to committee?

Mr. REED (Dauphin). Mr. President, that is correct.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

BILL ON THIRD READING

Mr. SORDONI. Mr. President, I call up at this time Senate Bill No. 1311 (House Bill No. 2139) on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1311 (House Bill No. 2139), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 806 Section 808 Section 1404 and Section 1406 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended are hereby amended to read as follows and that Section 204 of that act as last amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C Any institution may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the department establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution [in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class contiguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act] may in the case of an incorporated institution in the manner provided in this act for an amendment to its articles or in pursuance of a plan of

merger or consolidation in accordance with the provisions of this act and in the case of a private bank with the prior written approval of the Department (1) establish a branch bank branch office agency sub-office sub-agency or branch place of business within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch bank branch office agency sub-office sub-agency or branch place of business in any place within the county in which its principal place of business is located or in any place within any county contiguous to the county in which its principal place of business is located if the city borough or other community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or national banking association which is a party to the plan of merger or consolidation in accordance with this act

Provided that an institution shall not have the power to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county other than the county in which its principal place of business is located if a branch bank branch office agency sub-office sub-agency or branch place of business is at the same time established or maintained or is authorized by the articles of incorporation or otherwise to be established or maintained in any county other than the county in which its principal place of business is located by

(1) Another institution or national banking association with which such institution is affiliated or

(2) An institution or national banking association with which such other institution or national banking association is affiliated or

(3) An institution or national banking association which is affiliated with any corporation or person with which such other institution or national banking association is affiliated or

(4) An institution or national banking association which is affiliated with any corporation or person with which such institution is affiliated nor shall an institution have the power to establish any branch bank branch office agency sub-office sub-agency or branch place of business unless in the case of a bank a bank and trust company or a trust company its unimpaired capital and unimpaired surplus respectively are equal to an amount not less than the aggregate capital and surplus respectively required by this act for the incorporation of such number of similar institutions as is equal to the total number of its places of business including such branch bank branch office agency sub-office sub-agency or branch place of business excepting that if any place of business included in such total number is located or is to be located in a borough or township the population of which does not exceed five thousand nor more than fifty per centum of the capital and surplus respectively required by this act need be included for such particular place of business in the aggregate capital and surplus respectively required by this section and in the case of a savings bank unless its surplus and expense fund equal a minimum amount approved by the Department and in the case of a private bank unless its net worth equals a minimum amount approved by the Department

E An institution national banking association corporation or person shall be deemed to be affiliated with an institution national banking association corporation or person for the purpose of this section if

(1) It is owned directly or indirectly by such institution national banking association corporation or person or

(2) It owns directly or indirectly such institution national banking association corporation or person or

(3) It is owned directly or indirectly by the same institution national banking association corporation or person which owns directly or indirectly such institution national banking association corporation or person or

(4) The election of a majority of its board of directors is controlled directly or indirectly by any instrumentality agency or arrangement that controls directly or indirectly the election of a majority of the board of directors or trustees of such institution national banking association or corporation or

(5) A majority of its directors or trustees or a majority of the members of the executive committee of its board of directors or trustees are also directors or trustees of such institution national banking association or corporation or

(6) Members of its board of directors or trustees constitute a majority of the board of directors or trustees or a majority of the executive committee of the board or directors or trustees of such institution national banking association or corporation or

(7) Substantially all of its principal executive officers constitute a majority of the board of directors or trustees of any such institution national banking association or corporation or comprises or constitutes all of the executive officers of any such institution national banking association or corporation or

(8) Its board of directors or trustees is composed of executive officers of any such institution national banking association or corporation or

(9) It dominates or controls in whole or in part the business or policy of such institution national banking association corporation or person either by contract or otherwise or

(10) Its business or policy is dominated or controlled in whole or in part either by contract or otherwise by such institution national banking association corporation or person

Provided that the ownership of more than fifty per centum of the total number of shares voted upon at the last meeting of the shareholders of an institution national banking association or corporation for the election of its directors or trustees shall be deemed to be ownership of such institution national banking association or corporation and that shares of stock held in the name of a nominee of any institution national banking association or corporation for the benefit of such institution national banking association or corporation shall be deemed to be shares owned or controlled by the institution national banking association or corporation

Section 806 Advertisement [The] A Except as herein otherwise provided the incorporated institution shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of incorporated institution Advertisement shall appear at least three days prior to the day upon which the articles of amendment are to be presented to the Department of State [and].

B If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the incorporated institution shall also advertise its intention to file articles of amendment with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles are to be presented to the Department of State The incorporated institution shall also give written notice of its intention to file such articles of amendment with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency

sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and location of the principal place of business of the incorporated institution

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) In the case of articles of amendment the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located a statement that written notice of the intention to file articles with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(5) The time when the articles of amendment will be filed with the Department of State

Section 808 Approval of Articles of Amendment by Department of Banking A The Department of Banking shall immediately upon the receipt of the articles of amendment from the Department of State conduct such examination as it may deem necessary to ascertain from the best sources of information at its command whether such amendment or amendments will be lawful not injurious to the community and in accordance with the purposes of the articles of incorporation

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of amendment it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the incorporated institution of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking in disapproving any articles of amendment shall be conclusive and not subject to any review

D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

Section 1404 Advertisement [The] A Except as herein otherwise provided the incorporated institution or the national banking association shall advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of the particular type of surviving or new incorporated institution Advertisements shall appear at least three days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State [and].

B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the incorporated institution or national banking association shall also advertise its intention to file articles of merger or articles of consolidation as the case may be with the Department of State one time in a newspaper of general circulation in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and which is published in the city borough or township in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located and one time in a legal newspaper published in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located Such advertisement shall appear at least ten days prior to the day on which the articles of merger or articles of consolidation are to be presented to the Department of State The incorporated institution or national banking association shall also give written notice of its intention to file such articles of merger or such articles of consolidation with the Department of State to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

C The advertisement and notice shall set forth briefly

(1) The name and the location of the principal place of business of each of the constituent corporations intending to merge or consolidate

(2) The name and the location of the principal place of business of the surviving or new incorporated institution

(3) A statement that the articles of merger or consolidation are to be filed under the provisions of this act

(4) The purpose or purposes of the surviving or new incorporated institution

(5) In the case of articles of merger or articles of consolidation the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located a statement that written notice of the intention to file articles of merger or articles of consolidation with the Department of State has been given to every institution which has its principal place of business in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

(6) The time when the articles of merger or consolidation will be delivered to the Department of State

Section 1406 Approval of Articles of Merger or Consolidation by Department of Banking A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of merger or articles of consolidation conduct such examination as it may deem

necessary to ascertain from the best sources of information at its command

(1) Whether the name of the surviving or new incorporated institution is likely to mislead the public as to its character or purpose

(2) Whether the consolidation or merger is made for legitimate purposes

(3) Whether the interests of the depositors or other creditors and in the case of a bank a bank and trust company or trust company the shareholders are adequately protected

(4) Whether the surviving or new incorporated institution meets all the requirements of this act and violates none of its prohibitions applicable to a bank bank and trust company trust company or a savings bank as the case may be incorporated under this act

(5) Whether where a national banking association is one of the parties of the merger or consolidation it has complied with the requirements of the laws of the United States

B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office subagency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office subagency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of merger or the articles of consolidation it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the corporations desiring to merge or consolidate of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 2 Effective Date This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. BUCKMAN. Mr. President, I move that this bill be recommitted to the Committee on Banking.

Mr. BATCHELOR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

On the question,

Will the Senate agree to the motion?

Mr. SORDONI. Mr. President, may I be permitted to speak on the question of recommitting, at this time, and on the merits of the bill?

The PRESIDENT. Well, the motion should be discussed along the line of whether you favor the recommitting of the bill or not; the merits of the bill are not in question.

Mr. SORDONI. Mr. President, I sincerely trust that the members of the Senate will vote this motion down, and I would like to give my reasons for so doing, after they vote the motion down, on the merits of the bill.

The PRESIDENT. You may state your reasons why you think the motion should be voted down.

Mr. SORDONI. Mr. President, on the effective date of the present Pennsylvania Banking Code, July 3, 1933, there were seven communities in Pennsylvania in which branch banking was permitted by virtue of the fact that in 1927 National Banks also had branches or the authority to establish branches in those communities. The seven communities are Altoona, Chester, Johnstown, McKees Rocks, Philadelphia, Pittsburgh and Reading.

During the special session of the 1933 branch banking law was amended to permit the establishment of branches in first and second class cities and in first class townships contiguous to first class cities.

The salient provisions of House Bill No. 2139 with respect to branch banking are as follows:

A. No change is to be made in the authority for establishing branches as it existed prior to the introduction of House Bill No. 2139.

B. Branches would be permitted under the following terms and conditions by the enactment of this bill:

1. In any community in which the principal place of business of an institution is located, and

2. In any community in the same county or contiguous county if that community is without banking facilities other than an institution which is to be merged and is to result in the branch.

C. Definite prohibitions are imposed upon the establish-

ment of branches by an institution if branches have been established by its affiliates.

D. An institution which desires to establish a branch must have a capital and surplus equal to that which would be required if the principal place of business and all the branches were separate institutions. One exception is made in favor of small communities of less than 3,000 population, in which case but one-half of the required capital and surplus must be computed for the branch in such a community.

E. The application to establish a branch must be first approved by the Department of Banking after careful investigation to determine the necessity therefor and the convenience to the public.

F. If a branch is to be established in any community where there was no authority for a branch to be established in January of this year, the application for permission to establish such a branch must be approved by the Banking Board. This Board is to be composed of nine members, one of which is to be the Secretary of Banking, two of which will be appointed by the Governor at large, and the remaining six to be appointed by the Governor from a list of nominations submitted by the Pennsylvania Bankers Association.

Mr. President and gentlemen of the Senate, this is a very important piece of legislation, and I trust the Senate will vote against the motion to recommit.

Mr. COYNE. Mr. President, to go over in its order last Wednesday and all satisfied—the banking department and the banks and others in the community; and I am going to vote "aye".

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Bucks, Mr Buckman.

The PRESIDENT. Will the Senator fro Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I shall be very glad indeed to do so.

Mr. SHAPIRO. Mr. President, what is the purpose of recommitting the bill at this time?

Mr. BUCKMAN. Mr. President, to afford it decent interment.

Mr. SHAPIRO. Mr. President, I do not think this bill ought to be interred. Does the Senator from Bucks, Mr Buckman, know that there was a meeting this afternoon of all the people who have a real interest in this bill; that the matter was thoroughly discussed—its merits and demerits—and not a single objection was made in the public hearing to the bill?

Mr. BUCKMAN. Mr. President, I know nothing of that sort; and I do not see how such a meeting could have been held without every banking interest in the State of Pennsylvania being heard from. I do know that this is a branch banking bill, and the subject of branch banking has been coming up for the last fifteen or twenty years. This is just like the camel sticking his head under the tent. Beside that, it is a form of legislation that should not pass; the laws should be made by this Legislature. By a decision, of nine to nothing, of the Supreme Court of the United States it was ruled that laws cannot be made by commissions. If we are to have branch banking, let us be men enough to pass the law here, and not pass the buck to a commission no matter who composes the commission; let us not have laws passed by any commission. In the communities adjacent to Philadelphia, under this bill, the small banks would be swallowed up by the big banks in Philadelphia.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated further?

Mr. BUCKMAN. Mr. President, I shall be glad to.

Mr. SHAPIRO. Mr. President, is the Senator from Bucks, Mr. Buckman, know that his objection to laws being made by the Department could also be applied to any law; and, further, that no banking law would be likely to pass without the approval of the Banking Department?

Mr. BUCKMAN. Mr. President, I am entirely familiar with that.

Mr. SHAPIRO. Mr. President, does the Senator from Bucks, Mr. Buckman, also familiar with the fact that this is not a branch banking bill at all, but merely permits banks to be established where no banking facilities exist?

Mr. BUCKMAN. Mr. President, I understand that is the wording of the bill, but I do not understand what is meant by the word "community"—it says in the community where there is already a bank. What you mean by "community" I do not know. We have political subdivisions—counties, cities, boroughs, townships, and so forth, but I do not know what is meant by "community".

Mr. SHAPIRO. Mr. President, if we properly define the word "community" will the Senator from Bucks, Mr. Buckman, be satisfied with the bill?

Mr. BUCKMAN. Mr. President, I am not satisified with any bill which will permit the big banks in Philadelphia to come out and swallow up our small banks in Bucks County.

Mr. SORDONI. Mr. President, I have a great deal of confidence in my colleague, the Senator from Bucks, Mr. Buckman, as a Senator and as a lawyer, but I certainly would not take his judgment on a question of banking in preference to the judgment of the bankers of this State and the Banking Commissioner of the State of Pennsylvania. The bankers of this State, at a recent convention in Scranton, endorsed this bill.

Personally, I have no particular interest in it, except that I am convinced it is proper legislation. I understand Senator Buckman's objections, but I think he is entirely out of order in them and they are not valid; and I hope the Senators will vote down the motion to recommit, and pass the bill on third reading immediately thereafter.

Mr. BATCHELOR. Mr. President, I did not want to discuss the demerits of this bill at this time, but I do want to say that the statements read by my colleague, the Senator from Luzerne, Mr. Sordoni, as prepared by the Department of Banking of Pennsylvania, is one of the best arguments to be used for the recommitment of this bill. And I also want to make the statement that the Bankers Convention held at Scranton last week this bill was not endorsed; there is a mistaken idea about that. Also, I attended, today, the public hearing that has been referred to, and will say that it was arranged principally by the Department of Banking, and the bankers of this State were not invited to attend that meeting.

I hope this bill will be recommitted. This it a bill that is aimed at draining money out of the country districts into the large cities, and every country member of this Senate opposes this bill.

Mr. SORDONI. Mr. President, I want to correct a

point of order of the Senator from Beaver, Mr. Batchelor: That meeting today was not held at the suggestion of the Department of Banking, but at the suggestion of the Senator from Allegheny, Mr. Coyne, who had certain questions he wanted answered. Those questions were answered to the satisfaction of those he was particularly interested in, and he is informed of the provisions of this bill.

Mr. BATCHELOR. Mr. President, I would just like to say, in reply, that at the time the Banking Department sent out the invitation for the members of the Senate to attend that meeting and the amendments had already been agreed to.

And the question recurring,

Will the Senate agree to the motion?

A division being called for thirteen Senators voted in the affirmative and thirty-two in the negative; whereupon the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BATCHELOR. Mr. President, I believe it would be in order now to say something about the bill. I do not know how many members of this Senate read that bill, but I think it is the most jumbled-up bill of any bill in these large files that we have here on our desks. It has been amended, reamended, the amendments stricken out and new amendments inserted until I am sure it would take the proverbial Philadelphia lawyer to understand what is in it, and I feel sure no two would agree on it. I am sure very few know what the bill means other than that it is a bill for branch banking.

This is not a new bill; it was before us two years ago, and at that time the Pennsylvania Banking Department moved heaven and earth to get the bill out, and they had a sort of whispering campaign then the same as now—that if the bill be not passed something awful would happen in Pennsylvania. We were not frightened about that at that time, and, as far as I am concerned, I am not frightened at this time; and I want to say that I resent any departments coming in here and urging any bill. That is our business. It is all right for them to come in here and answer questions and furnish information, but for them to come out here representing I don't know who, and acting as proponents of a bill, I think, is absolutely something that they should not do.

I have in my hand here a paper that was sent out during the morning. It says at the top of it "unmasked". This is a paper that reflects upon some twenty-eight members of this Senate, and especially upon my colleague, the Senator from Luzerne, Mr. Sordoni, calling attention to a certain group of people to remember with bills when we need any favors from them, because we have been acting in opposition to the bill they sponsored. Well, that is not so bad, but the thing that is bad is this: That this statement that is made against the certain member of this Senate is sent out here in an envelope of the Department of Property and Supplies, and the postage is paid by the State of Pennsylvania. In other words, it is a department here that uses the stamps of the state of Pennsylvania to send out propaganda here against members of this Senate; and I resent that, and I think that we have a Governor over there who is fair, and somebody ought to be called on to the carpet before them and discharged,—I think there is lots of ground for discharging him.

I also resent the fact that the Department of Banking comes here as active proponents of this bill. Now, let us see what this bill does. This bill, or a companion bill that goes with it, creates a banking board. Well, who is on that banking board? Well, the Secretary of Banking is on it; then the Governor appoints two members of that board; then they have a certain group of bankers that appoints the rest of the members of that board, or, at least, they suggest a certain number of names from which the Governor can select the appointees to that board. In other words, you have a certain group of bankers that selects the members, the majority of the members on that board.

Now, is this Senate going to turn over, as the Senator from Bucks, Mr. Buckman, has well said—are we going to authorize this board to say where we are going to have branch banks in Pennsylvania, and who shall have those branch banks? Well, they are not going to say so with my consent; but if this bill becomes a law they can be as autocratic as possible. If a branch bank is proposed for a certain county, they would say to the banker in that county, "Ah, you want to put a bank in there, in this particular district?' And the banker will say, "No, we do not need a bank there." "Well, then, we will let somebody else put a bank in there." In other words, then, the authority to establish a bank in a certain community rests with them, even though that community does not want the competition of a branch bank.

Then, in his bill, as the Senator from Bucks, Mr. Buckman, has called attention, there is authority given to establish a branch bank in the city, borough or other community is without banking facilities. You will note that the word "township" has been very carefully taken out of the bill, and instead of the word "township" it says "other community". That appears in several places in this bill. Why? Why in the world was the word "township" taken out of there? .Why does it not say "in all political subdivisions without banking facilities"? Did they have some mysterious reason for the word "township" to be taken out and the words "other community" inserted therein? Well, I think we have a right to look with suspicion upon that.

Now, what does the word "community" mean? Well, I do not know; you have no legal definition of it, as far as I can find out, but Webster's new International Dictionary says this: It is "society at large"; "a Commonwealth, or State"; "the public, or people in general".

Why, it seems to me the purpose in putting that word "community" in there, and having the word "township" taken out is that this bill covers the whole State of Pennsylvania; it does, at least, if you take Webster's new International Dictionary for your guide—you cannot help but take it that that is the meaning of that word "community".

Now. there has been a lot said here about this banker's convention that was held at Scranton the other day and the action they took. They sent out a circular, and said that in view of this legislation pending here they wanted to know what the member bankers, of the Bankers' Association, thought of that; and the referendum they sent out produced these results: To the question as to whether they wanted State-wide branch banking, there were three bankers who said they did and 484 said they did not. Now, that is almost one hundred per cent objection of the bankers in Pennsylvania to branch banks; and at this meeting we had this afternoon downstairs, that I was privileged to attend, a statement was read there by the chairman

of, I believe, the proponents of the bill, in which they call attention to the fact that you have branch banking in certain districts in Pennsylvania today, as the Senator from Luzerne, Mr. Sordoni, has read.

Why is it that this bill does not include Pittsburgh and Philadelphia? This banking board is not going to have anything whatever to say as to whether they have branch banks in Philadelphia or Pittsburgh; those cities are exempted from the provisions of this bill; also, the cities of Chester, Johnstown, Reading Altoona, New Castle and McKees Rocks. Why should these particular places be exempt from the provisions of this bill?

Mr. President, in my opinion this is the worst bill—I wanted to use the words of my friend, the Senator from Luzerne, Mr. Sordoni, "The most vicious bill", which he used in connection with the Stream Pollution Bill—so, I want to say, in my opinion this is the worst bill, and one that effects—and it is one that affects this State more than any other one bill that has been in this session of the Legislature; and I know that every country member would consider, regardless of politics, whether he wants to turn the banking privilege of his community over to the big city banks; and I hope the Senate will vote this bill down.

Mr. SHAPIRO. Mr. President, the Secretary of the State Banking Association, about which association my friend the Senator from Beaver, Mr. Batchelor, spoke, stated, at a meeting today, in The Forum that the banks were one hundred per cent for this bill. That is the Bankers' Association.

The reason for the use of the words "other community" in place of the word "township" is that there are some unincorporated political subdivisions which are not townships; for instance, Upper Darby, Delaware County, is unincorporated, and therefore is not included. The reason Philadelphia and Pittsburgh are not included is because under this bill it is not intended to give Pittsburgh and Philadelphia the right to have branch banks because they have banking facilities. This is to give such privilege to the city, borough or other community which is without banking facilities. With regard to the branch banking board, that the Senator spoke about, that bill passed last week and has nothing to do with this bill. So far as appeals are concerned this bill fills the place of the present laws.

If the banking department says no other people may be affected by the opening of the new bank, they have the right to appeal under this bill, if the banking department says "no" to the opening of a branch bank, there is no appeal; but if the banking department says "yes" and the board says "yes," it is the same as existing law with regard to new banks being opened.

Therefore, I cannot see any reason or basis for refusing this bill to become a law. It is not a branch banking bill; we passed the branch banking bill in the 1933 session; and I am glad to have this bill. Vast districts in 1929 were left without banking facilities. There are some banks which require additional capital, and those banks must also be taken over or be allowed to go by the board, and that community will be without banking facilities.

I think the banking department has a perfect right to indicate the kind of bill they will approve; and, not only that, but to sponsor legislation that will create conditions or improve conditions necessary to facilitate banking and protect the public; and I do not think they need make any apology for any piece of legislation put in here, because the Secretary of Banking is the responsible person, and he is being called names which should not have been called. I do not think that every Senator here should have to follow up the needs of every department; and when they come in legitimately and advise a piece of legislation that they feel is necessary, I do not think they should be criticised. I think the bill should be passed.

Mr. CAVALCANTE. Mr. President, in order that I may determine how to vote on this bill, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, the Senator from Philadelphia has stated that this bill would permit Philadelphia banks to establish branch banks in chosen counties. Does this bill permit Philadelphia banks to establish branch banks in Fayette County?

Mr. SHAPIRO. Mr. President, if the word "chosen" means that, yes. If Fayette County is chosen to represent Philadelphia County, I am a little bit worried; if it is not chosen, I am not.

Mr. CAVALCANTE. Mr. President, the way they have been stretching things in this Senate, and been quibbling, I do not know how far the word "chosen" may reach.

Mr. SHAPIRO. Mr. President, no matter how far we may stretch that in our imagination, it will not get to Fayette.

Mr. CAVALCANTE. Then, Mr. President, that is a good bill.

Mr. BUCKMAN. Mr. President, this is too serious a matter to make it a matter of levity. I consider this one of the most serious bills, from the standpoint of the counties, we have had this session. While I do not think the word "chosen" means that a bank in Philadelphia may establish one in Fayette County, I do think that a bank in Pittsburgh may do that very thing.

I want to say this: There was something said about this bill being advocated and sponsored by the Banking Department. I do not object to any department recommending to this Legislature the passage of certain bills, or recommending that they be not passed; we are glad anytime, to have advice on any bill affecting any department of our State; but I do object to them coming over here and lobbying for this bill or that bill. Is is our function, under the Constitution, to pass the laws of this Commonwealth; and it is the duty of this department, and every other department, to carry out and enforce the laws we pass. It is not their duty to come over here and engage in this very much criticized pastime of lobbying.

I consider this a very serious bill. I consider this bill drawn in such a way that nobody can tell what it means. The word "chosen," referring to the counties that are chosen, does not necessarily mean "contiguous;" so it may take in, as far as Philadelphia is concerned more counties than the County of Delaware, the County of Bucks and the County of Montgomery; and, as far as Pittsburgh is concerned it may take in a great many of the counties in the western part of the State; and if we are going to have this bill, and have branch banking established, they are going to come back here in a session or two and make it extend throughout our State.

Now why do we object to branch banking? Up until our banks failed a couple years ago we were all proud

of our little community banks. They were officered and named with directors by local business people who knew our communities and knew our merchants and knew our citizens who were entitled to credit and not remitted to credit, and they served a wonderful purpose in building up our communities, if you want to use that word, and our towns and townships, but if you are going to have the big banks in Philadelphia come out into Bucks County and Delaware County and Montgomery, there will be few banks left, and no—and if the loans of our merchants are passed upon by the board sitting around a big table in heavily cushioned chairs in Philadelphia, there will be very little hope of getting any loans or help from these big institutions. If there is anything sinister back of this thing, or anything rotten, I think it the duty of the department to come and tell us what it is, and we may meet the situation in another way, but if they come to us and say we must pass a branch banking bill, or, if we do not, something terrible is going to happen, I think it is beyond the authority of that department.

Mr. SORDONI. Mr. President, I can pay tribute to the age and the good intentions of my colleague the Senator from Bucks, Mr. Buckman; but Senator Buckman is not a banker—

Mr. BUCKMAN. Mr. President, I am vice-president of a bank.

Mr. SORDONI. Mr. President, he admitted to me a little while ago that he knew very little about banking. I am very willing to agree with him. I also do not doubt the sincerity of the Senator from Beaver, Mr. Batchelor, but urge the Senator not to confuse two issues. The Senator from Beaver, Mr. Batchelor, referred to an article which purported to unmask the Senators who voted against the Stream Pollution Bill. Personally, I think the Senators who voted against this Stream Pollution Bill—or, as I referred to it, "The Industrial Dissolution Bill" did Pennsylvania a very great service. But I hope that you will not confuse it with the Department of Banking. I have no desire or intention of defending the Department of Banking. Of course, I am whole-heartedly in favor of the activity they have shown here and the help they have given me as chairman of the Committee on Banking. I have found them intelligent, sincere, honest and keenly anxious to cooperate with the banking fraternity in this State.

This bill, gentlemen, is a very proper piece of legislation. I am exceedingly sorry that the gentleman on my right, the Senator from Beaver, Mr. Batchelor, does not understand the provisions of this bill; and I am sorry the Senator from Bucks, Mr. Buckman, does not understand it; but I hope that without further discussion the vote may be taken and we can go on to some other business, and I hope the members of this Senate will vote for this bill.

Mr. SHAPIRO. Mr. President, I want to call the attention of the Senator from Bucks, Mr. Buckman—who said this is a serious bill—to the fact that this bill does not use the word "adjacent." On page 7, line 18, carrying over to line 19, he will find the word "contiguous," and it reads "Within any county contiguous to the county in which its principal place of business is located."

Mr. McCLURE. Mr. President, I dislike to prolong this discussion tonight, and I doubt if anything I can say here will change the vote on this bill. I notice the vote to recommit, on the other side of this chamber, was almost a solid vote; and I suppose that is because the Department of Banking is in favor of this bill. I have listened to what the Senator from Bucks, Mr. Buckman, has said concerning this bill, and I agree with him entirely. This is a most important piece of legislation.

I represent the County of Delaware, which is adjacent to the largest city in Pennsylvania. I was informed not more than a month ago, by the president of the largest bank in Delaware County, that if this bill passed he would proceed to Philadelphia and offer the stock of that company to a Philadelphia bank. That is the position which we face in Delaware County, being so close to the city of Philadelphia.

We must remember that credit is the lifeblood of business. I doubt that there are many men here who have not at different times appealed to a bank for credit. Think for a minute, gentlemen, the position that you are going to be in if branch banks become general throughout Pennsylvania: who is going to pass on your loan? Is it going to be a neighbor or a man with whom you are acquainted, or is it going to be some banker, as has been said many times here who is in Wall Street or who represents Wall Street?

This is a serious problem. We are not only legislating for today and tomorrow, but, if branch banks continue to increase in Pennsylvania—as they will under this bill—it will be only a matter of a few years until branch banks will cover Pennsylvania; and then I suppose those who will sit here will realize that they have developed another chain; and opposition will then rise to that chain and they will probably want to tax them five or ten thousand dollars a year, to put them out of business. Why not stop where we are? Why not stop where we are and think, and think most that we do not know who of us is going to be the next one to require credit? It is better to appeal to your neighbor, who knows you know your circumstances, knows your credit standing, than to appeal entirely to strangers.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz ::

YEAS—29

Aron,	Huffman,	Pytko,	Rodgers,
Baumer,	Hunsicker,	Rankin,	Salus,
Bean,	Kahle,	Reed,	Shapiro,
Cavalcante,	Mallery,	(Dauphin)	Sones,
Coyne,	McCreesh,	Reed,	Sordoni,
Frey,	McGinnis,	(Washington)	Thompson,
Harvey,	Miller,	Rice,	(Westmoreland)
Howell,	Owlett,	Roberts,	Trainer,

NAYS—20

Batchelor,	Gelder,	Law,	Staudenmeier,
Bennett,	Graff,	McClure,	Thompson,
Buckman,	Harris,	Pierson,	(Centre)
Chapman,	Homsher,	Prince,	Woodward,
Clark,	Lanius,	Rupp,	Ziesenheim,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Mr. McCLURE. Mr. President, I call up Senate Bill No. 1169 (House Bill No. 1473), entitled:

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1169 (House Bill No. 1473), as follows:

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

ARTICLE I

SHORT TITLE AND DEFINITIONS

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that this act shall be known and may be cited as the "Individual Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Dividend" Any distribution made by a corporation or association subject or not subject to the payment of a tax on capital stock under the laws of the Commonwealth out of its net earnings or profits accumulated after December 31, one thousand nine hundred and thirty-four to its stockholders or members whether in cash or in other property or in stock other than stock dividends as hereinafter defined

"Fiduciary" A guardian committee trustee executor administrator receiver conservator or any person whether individual or corporate acting in any fiduciary capacity for any person estate or trust

"Individual" A natural person

"Paid" For the purposes of the deductions under this act means "paid or accrued" or "paid or incurred" and the words "paid or accrued" "paid or incurred" and "incurred" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Person" Every natural person fiduciary association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Received" For the purpose of the computation of the net income under this act means "received or accrued" and the words "received or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Resident" As applied to an individual means any person domiciled in the Commonwealth of Pennsylvania and any person who maintains a permanent place of abode within this Commonwealth

"Stock dividends" New stock for surplus or profits capitalized issued to stockholders in proportion to their previous holdings

"Tax year" The calendar year upon the basis of which the net income of a taxpayer is computed under this act

"Taxpayer" Any individual trust or estate required to pay a tax under the provisions of this act

The singular shall include the plural and the masculine shall include the feminine and neuter

ARTICLE II

IMPOSITION OF TAX

Section 201 Residents and Nonresidents A A tax is hereby imposed during the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven upon every resident taxpayer of this Commonwealth which tax shall be levied collected and paid annually with respect to his entire net income as herein defined computed at the rate of two per centum of the amount of such net income

B A like tax is hereby imposed and shall be levied and collected and paid annually at the rate specified in this section upon and with respect to the entire net income as herein defined from all property owned and from every business trade occupation or profession carried on in this Commonwealth by natural persons not residents of this Commonwealth

Section 202 Estates and Trust A The tax imposed by this act shall apply to estates and trusts which tax shall be levied collected and paid annually upon and with respect to the income of estates or of any kind of property held in trust including

(1) Income received by estates of deceased persons during the period of administration or settlement of the estate

(2) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests

(3) Income held for future distribution under the terms of the will or trust

(4) Income which is to be distributed to the beneficiaries periodically whether or not at regular intervals and the income collected by a guardian of an infant to be held or distributed as the court may direct and

(5) Income of an estate during the period of administration or settlement permitted by subsection C of this section to be deducted from the net income upon which the tax is to be paid by the fiduciary

B The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts whether such income be taxable to the estate or trust or to the beneficiaries thereof The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers and in cases under paragraphs (four) and (five) of subsection A of this act the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income whether or not distributed before the close of the tax year for which the return is made

C In cases under paragraphs (one) (two) and (three) of subsection A of this section the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee heir or other beneficiary In such case the estate or trust shall be allowed the same personal deductions as are allowed to single persons under section three hundred and eight and in such cases an estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitation

as to gross income provided in section three hundred and three subsection C

D In cases under paragraphs (four) and (five) of subsection A of this section if the distribution of income is in the discretion of the fiduciary either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled the tax shall be imposed upon the estate or trust in the manner provided in subsection C of this section but without the deduction of any amounts of income paid or credited to any such beneficiary In all other cases under paragraphs (four) and (five) of subsection A of this section the tax shall not be paid by the fiduciary but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not of the net income of the estate or trust for the tax year In such cases the net income of a beneficiary not a resident derived through such estate or trust shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitations as to gross income provided in section three hundred and three subsection C

E A trust created by an employer as a part of a stock bonus pension or profit-sharing plan for the exclusive benefit of some or all of his employes to which contributions are made by such employer or employes or both for the purpose of distributing to such employes the earnings and principal of the fund accumulated by the trust in accordance with such plan shall not be taxable under this section but any amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him

F Where any part of the income of a trust other than a testamentary trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary such part of the income of the trust shall be included in computing the net income of the grantor

Section 203 Partnerships Individuals carrying on business in partnerships shall be liable for income tax only in their individual capacity There shall be included in computing the net income of each partner his distributive share whether distributed or not of the net income of the partnership for the tax year Taxpayers who are members of partnerships may be required by the department to make a return stating the gross receipts and net gains or profits of the partnership for any tax year The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals and the personal deductions provided for in section three hundred and eight shall be allowed only to the individual partners

Section 204 Initial Tax Levy The tax imposed by this Article shall first be levied collected and paid in the year one thousand nine hundred thirty-six upon and with respect to taxable net income for the calendar year one thousand nine hundred thirty-five

ARTICLE III

COMPUTATION OF THE TAX

Section 301 Net Income The term "net income" means the gross income of a taxpayer less the deductions allowed by this article

Section 302 Manner of Computing Net Income The net income shall be computed in accordance with the method of accounting regularly employed in keeping the books of the taxpayer but if no such method of accounting has been so employed or if the method employed does not clearly reflect the income the computation shall be made upon such basis and in such manner as in the opinion of the department does clearly reflect the income

Section 303 Gross Income A The term "gross income" includes gains profits and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid or from professions vocation trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit and all other income derived from any source whatever including income derived through estates or trusts by the beneficiaries thereof whether as distributed or as distributable shares The amount of all such items shall be included in the gross income for the tax year in which received by the taxpayer

B The term "gross income" does not include the following items

(1) Amounts received under a life insurance contract paid by reason of the death of the insured whether in a single sum or in installments but if such amounts are held by the insurer under an agreement to pay interest thereon the interest payments shall be included in gross income

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance endowment or annuity contract either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract

(3) The value of property acquired by gift bequest devise or descent but the income from such property shall be included in gross income

(4) Interest upon the obligations of the United States or its possessions or the obligations of the Commonwealth of Pennsylvania or of any municipal corporation or political subdivision thereof

(5) Any amount received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States

(6) Salaries wages and other compensation received from the United States by officials or employes thereof including persons in the military or naval forces of the United States

(7) Income received by any officer of a religious denomination or by any institution or trust for moral or mental improvement religious bible tract charitable benevolent fraternal missionary hospital infirmary educational scientific literary library patriotic historical or cemetery purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes if such income be used exclusively for carrying out one or more of such purposes but nothing herein shall be construed to exempt the fees stipends personal earnings or other private income of such officers or trustees

(8) Stock dividends when received by a shareholder but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income Provided That any stock dividend shall be considered in computing gain profit or income upon the sale exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend

(9) The principal and income paid by a building and loan association to a member thereof upon the maturity of his or her shares or upon the withdrawal of such member from the association

(10) Any amount received by any person whatever under any law of this Commonwealth the United States or any other state providing for any pension bonus or compensation whatsoever for or in respect to services in the military or naval forces of the United States in any war in which the United States has been engaged

C In the case of taxpayers other than residents gross income includes only the gross income from sources within the State but shall not include annuities interest on bank deposits interest on bonds notes or other interest-bearing obligations or dividends from corporations except to the extent to which the same shall be a part of income from any business trade profession or occupation carried on in this State subject to taxation under this act

D In the case of taxpayers who regularly sell or otherwise dispose of personal property on the installment plan

gross income includes in any tax year only such portion of the total profit realized or to be realized when the payment is completed as the installment payments received in that year bears to the total of all installment payments

E In the case of a casual sale or other casual disposition of personal property or of a sale or other disposition of real property if in either case the payment in cash or property are not completed during the tax year when the sale or disposition was made the income may be returned on the basis and in the manner above described in subsection D of this section for installment sales Evidences of indebtedness of the purchaser or amounts secured by the property sold or disposed of shall not be construed to be payments but in such cases the income shall be returned on the above basis in the tax year when such indebtedness or the amounts secured or any part thereof is paid to the vendor

Section 304 Ascertainment of Gain and Loss A For the purpose of ascertaining any gain included in gross income as herein defined derived or any deductible loss sustained for the sale or other disposition of property real personal or mixed the basis shall be in case of property acquired on or after January first one thousand nine hundred thirty-five the cost thereof or the inventory value if the inventory is made in accordance with this article

B In case of property acquired prior to January first one thousand nine hundred thirty-five and disposed of thereafter

(1) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five exceeds the value realized

(2) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five is less than the value realized

(3) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are less than the value realized the basis for computing profit shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is higher

(4) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are in excess of the value realized the basis for computing loss shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is lower

Section 305 Exchange of Property Upon the sale or exchange of property in transactions the gain or profit from which is included in gross income as herein defined the entire amount of the gain or loss determined under section three hundred four of this act shall be recognized except as hereinafter provided in this section

(A) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale nor stocks bonds notes choses in action certificates of trust or beneficial interest or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment or if common stock in a corporation is exchanged solely for common stock in the same corporation or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation

(B) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are in pursuance of the plan of reorganization exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization

(C) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control of the corporations but in the case of an exchange by two or more persons this subsection shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange

(D) If property (as a result of its destruction in whole or in part theft or seizure or an exercise of the power of requisition or condemnation or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted or into money which is forthwith in good faith under regulations prescribed by the department expended in the acquisition of other property similar or related in service or use to the property so converted or in the acquisition of control of a corporation owning such other property or in the establishment of a replacement fund no gain or loss shall be recognized If any part of the money is not so expended the gain if any shall be so recognized but in an amount not in excess of the money which is not so expended

(E) If there is distributed in pursuance of a plan of reorganization to a shareholder in a corporation a party to the reorganization stock or securities in such corporation or in another corporation a party to the reorganization without the surrender by such shareholder of stock or securities in such a corporation no gain to the distributee from the receipt of such stock or securities shall be recognized

(F) If an exchange would be within the provisions ob subsection A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain but also of other property or money then the gain if any to the recipient shall be recognized but in an amount not in excess of the sum of money and the fair market value of such other property

(G) If an exchange would be within the provisions of subsections A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss but also of other property or money then no loss from the exchange shall be recognized

(H) As used in this section the term "reorganization" means (1) a merger or consolidation (including the acquisition by one corporation of at least a majority of the total number of shares of all other classes of stock of another corporation or substantially all the properties of another corporation) or (2) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferrer or its stockholders or both are in control of the corporation to which the assets are transferred or (3) recapitalization or (4) a mere change in identity form or place of organization however effected

The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation

As used in this section "control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation

Section 306 Inventory Whenever in the opinion of the department the use of inventories is necessary in order clearly to determine the income of any taxpayer inventories shall be taken by such taxpayer upon such basis as the department may prescribe conforming as nearly as may be to the best accounting practice in trade or business of such taxpayer

Section 306.1 Distributions by Corporations A For the purposes of this act every distribution is made out of earnings or profits to the extent thereof and from the most recently accumulated earnings or profits Any earnings or profits accumulated or increase in value of property accrued before January first one thousand nine hundred and thirty-five may be distributed exempt from tax after the earnings and profits accumulated after December thirty-first one thousand nine hundred and thirty-four have been distributed but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section three hundred and four

B Amounts distributed in complete liquidation of a

corporation shall be treated as in full payment in exchange for the stock and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock The gain or loss to the distributee resulting from such exchange shall be determined under section three hundred and four but shall be recognized only to the extent provided in sections three hundred and four and three hundred and five In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of section three hundred and five (E) of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall be considered a distribution of earnings or profits within the meaning of subsection B of this section for the purpose of determining the taxability of subsequent distributions by the corporation

C If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before January first one thousand nine hundred and thirty-five and is not out of earnings or profits then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section three hundred and four and if in excess of such basis such excess shall be taxable in the same manner as a gain from the sale or exchange of property

D As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock

Section 307 General Deductions In computing net income there shall be allowed as deductions

A All the ordinary and necessary expenses paid or incurred during the tax year in carrying on any trade or business or in the production of income required to be included in gross income under this article including a reasonable allowance for salaries or other compensation for personal service actually rendered and including rentals or other payments required to be made as a condition to the contniued use or possession for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity

B All interest paid or accrued during the taxable year on indebtedness

C Taxes paid or accrued within the tax year imposed by (1) the authority of the United States or of any of its possessions (2) by the Commonwealth of Pennsylvania (except the net income tax imposed by this act and taxes on liquid fuels) (3) by any city borough town township school district or poor district of this Commonwealth (except those assessed as local benefits tending in increase the value of the property assessed) or (4) by the authority of any other state county or territory Provided That taxes on personal property paid by the taxpayer to any county or city and county of this Commonwealth for which he has not received and is not entitled to receive a refund from the debtor and taxes paid to this Commonwealth and refunded by the taxpayer or withheld from moneys due the taxpayer shall not be allowed as deductions under this clause

D Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in trade or business

E Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in any transaction entered into for profit though not connected with the trade or business No deduction shall be allowed under this clause for any loss claimed to have been sustained in any sale or other disposition of shares of stock or security where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or disposition If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property then only a proportionate part of the loss shall be disallowed

F Losses sustained during the tax year of property not connected with the trade or business (but in case of a taxpayer other than a resident only of real property or tangible personal property having an actual situs within the State) if arising from fires storms shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise

G Debts ascertained to be worthless and charged off within the tax year and when satisfied that a debt is recoverable only in part the department may allow such debt to be charged off in part In case of a debt existing on January first one thousand nine hundred thirty-five no more than its fair market value on that date shall be deducted A worthless debt arising since January first one thousand nine hundred thirty-five from unpaid wages salary rent or any similar item of taxable income is not an allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this act

H A reasonable allowance for the exhaustion wear and tear of property the income from which is required to be included in gross income under this article used in the trade or business including a reasonable allowance for obsolescence In case of property held by one person for life with remainder to another person the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust or in the absence of such provisions on the basis of the trust income allocable to each

I In the case of mines oil and gas wells other natural deposits and timber a reasonable allowance for depletion and for depreciation or improvement according to the peculiar conditions in each case such reasonable allowance in all cases to be made under rules and regulations to be made by the department The department may apportion such deductions equitably between the lessor and lessee

J In the case of a taxpayer other than a resident of the State the deduction allowed in this section shall be allowed only if and to the extent that they are connected with income arising from sources within the State and taxable under this act to a nonresident taxpayer and the the proper apportionment and allocation of the deductions with respect tc sources of income within and without the State shall be determined under rules and regulations to be prescribed by the department

Section 308 Deductions for Living Expenses The following fixed sums and no others shall also be allowed to all taxpayers in computing net income as personal deductions on account of living expenses

A In the case of a single person a personal exemption of one thousand dollars ($1,000.00) or in the case of the head of a family or a married person living with husband or wife a personal deduction of one thousand five hundred dollars ($1,500.00) A husband and wife living together shall receive but one personal deduction If such husband and wife make separate returns the personal deduction may be taken by either or divided between them

B Four hundred dollars ($400.00) for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective

C If the status of the taxpayer in so far as it affects the deductions allowed by this section changes during his tax year such deduction shall be apportioned under rules and regulations prescribed by the department in accordance with the number of months before and after such change For the purposes of this subsection a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month

Section 309 Items Not Deductible In computing net

income no deduction shall in any case be allowed in respect of

A Personal living or family expenses except as otherwise herein expressly provided

B Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate

C Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made or

D Premiums paid on any life insurance policy covering the life of any officer or employe or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy

Section 310 Credits for Other Taxes In any case in which a taxpayer during the tax year shall have become liable to pay and has paid to any county or city and county a tax on any bond note mortgage judgment interest-bearing account deposit or any loan or evidence of indebtedness or on any corporate stock or other personal property for which he has not received and is not entitled to receive refund of such tax from the debtor and in any case in which the taxpayer shall have been required to refund to a corporate debtor or in which a corporate debtor has deducted from moneys becoming due from such debtor to the taxpayer during the tax year on account of or by reason of any tax levied by the Commonwealth on any corporate loan or evidence of indebtedness of any kind the taxpayer shall be entitled to a credit against any amount of income tax payable by him under this act in such year equal to the amount of tax so paid by him to a county or a city and county or refunded by him or deducted from moneys due to him on account of tax imposed by the Commonwealth on corporate lonas or evidences of indebtedness of any kind

B In any case in which a fiduciary during the tax year shall have become liable to pay and has paid to any county or city and county a tax on any bond note mortgage judgment interest-bearing account deposit or any loan or evidence of indebtedness or on any corporate stock or other personal property for which he has not received and is not entitled to receive a refund of such tax from the debtor and in any case in which the fiduciary shall have been required to refund to his corporate debtor or in which a corporate debtor has deducted from moneys becoming due from such debtor to the fiduciary during the tax year on account of or by reason of any tax levied by the Commonwealth on any corporate loan or evidence of indebtedness of any kind the fiduciary shall be entitled to a credit against any amount of income tax payable by him under this act in such year equal to the amount of tax so paid by him to a county or a city and county or refunded by him or deducted from moneys due to him on account of taxes imposed by the Commonwealth on corporate loans or evidences of indebtedness of any kind The excess of any such credit to which a fiduciary shall be entitled over the amount of income tax payable by him under this act in such year shall be available to such fiduciary's beneficiaries as a credit against any amount of income tax payable by them under this act the credit being apportioned among them on the basis of the trust income allocable to each

Section 311 Credit for Taxes in Case of Taxpayers other than Residents of the Commonwealth Whenever a taxpayer other than a resident of the Commonwealth has become liable to income tax to the State county or city where he resides upon his net income for the tax year derived from sources within this Commonwealth and subject to taxation under this act the department shall credit the amount of income tax payable by him under this act with such proportion of the tax so payable by him to the State county or city where he resides as the income subject to taxation under this act bears to his entire income upon which the tax so payable to such other State county or city was imposed Provided That such credit shall be allowed only if the laws of said State county or city (1) grant a substantially similar credit to residents of this Commonwealth subject to income tax under such laws or (2) impose a tax upon the personal incomes of its residents derived from sources in this Commonwealth and exempt from taxation the personal income of residents of this Commonwealth No credit shall be allowed against the amount of the tax on any income payable under this act which is exempt from taxation under the laws of such other State county or city

Section 312 Certain Gifts not Taxable In case any taxtaxpayer in any tax year shall give or contribute and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation such net income so given or contributed shall not be subject to any tax under the provisions of this act

ARTICLE IV

RETURNS AND PAYMENT

Section 401 Taxpayers' Returns Time and Place of Filing Payment A Every taxpayer having a net income for the tax year of one thousand dollars or over if single or if married and not living with husband or wife or of one thousand five hundred dollars ($1,500.00) or over if married and living with husband or wife or a gross income for the tax year of five thousand dollars or over regardless of the amount of his net income shall make under oath or affirmation a return as hereinafter provided stating specifically the items of his gross income and the deductions and credits allowed by this act For the purposes of this section any taxpayer other than a married person shall be deemed to be a single person If a husband and wife living together have an aggregate net income of one thousand five hundred dollars ($1,500.00) or over or an aggregate gross income for such year of five thousand dollars ($5,000.00) or over each shall make such a return or the income of each shall be included in a single joint return in which case the tax shall be computed on the aggregate income If the taxpayer is unable to make his own return the return shall be made by a duly authorized agent or by the guardian or other person charged with the case of the person or property of such taxpayer A taxpayer other than a resident shall not be entitled to the deduction authorized by section three hundred and seven unless he shall make under oath or affirmation a complete return of his gross income both within and without the State

B Returns shall be in such form and shall contain such information as the department may from time to time prescribe and shall be filed with the department at its main office or at any branch office which it may establish on or before the fifteenth day of May in the year one thousand nine hundred thirty-six and for the preceding calendar year The department is authorized to prepare and furnish such return forms but the failure of any taxpayer to receive or procure a return form shall not excuse him from making a return

C The department may upon application made to it in such form as it may prescribe on or prior to the last day for filing any report and upon proper cause shown grant a reasonable extension of time for the filing of any return within which time such return may be filed without penalty except as herein provided and shall keep a record of every such extension and the reason therefor Except in the case of taxpayers who are abroad no such extension shall be granted for more than six months

D Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making any return or report required by this act for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo

imprisonment not exceeding one (1) year either or both in the discretion of the court

E Each taxpayer shall or in cases where an agent guardian committee fiduciary or other persons makes the return for the taxpayer then such agent guardian fiduciary committee or person shall at the time of filing the return pay to the department the amount of tax payable under this act as the same shall appear from a calculation made on the face of the return If the time for filing the return shall have been extended by the department the taxpayer shall pay in addition interest thereon at the rate of six per centum per annum from the time when the return was originally required to be filed to the time of payment

Section 402 Returns in Cases of Changed Residence If a taxpayer during the tax year changes his status from that of resident to that of nonresident or from that of nonresident to that of resident he shall file two returns one as a resident covering the fraction of the year during which he was a resident and one as a taxpayer other than a resident covering the fraction of the year during which he was a nonresident In case two returns for one year are filed as aforesaid the taxes due thereon shall not be less than would be payable if the total net income shown by the two returns were included in a single return If the aggregate of the taxpayer's net income from all sources during the fraction of the year in which he was a resident and his net income from sources within the State during the fraction of the year in which he was a nonresident shall be less than one thousand dollars ($1,000.00) in the case of a taxpayer who is single or married and not living with husband or wife or under one thousand five hundred dollars ($1,500.00) in the case of a taxpayer who is married and living with husband or wife no return shall be required under this section unless the aggregate of the taxpayer's gross income from all sources during the fraction of the year in which he was a resident plus the aggregate of his gross income from sources within the State during the fraction of the year in which he was a nonresident is five thousand dollars ($5,000.00) or over in which event returns shall be required

Section 403 Partnership Returns Every partnership shall make a return for each tax year stating specifically the items of its gross income and the deductions allowed by this act and shall include in the return the names and addresses of the persons who would be entitled to share in the net income if distributed and the amount of the distributive share of each person The return shall be sworn to or affirmed by any one of the partners

Section 404 Fiduciary Returns Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath or affirmation a return for the individual estate or trust for whom he acts as follows

A If he acts for an individual whose entire income from whatever source derived is in his charge and the net income of such individual is one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or one thousand five hundred dollars ($1,500.00) or over if married and living with husband or wife or whose gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of his net income

B If he acts (a) for an estate of a deceased person during the period of administration or settlement whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee heir or other beneficiary (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests or (c) for an estate or trust the income of which is held for future distribution or is distributable in the discretion of the fiduciary under the terms of the will or trust and the net income of such estate or trust is one thousand dollars ($1,000.00) or over or the gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of the net income

C If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically or (b) as the guardian of an infant whose income is to be held or distributed as the court may direct and any beneficiary of such estate or trust or such infant receives or is entitled to a distributive share of the income of one thousand dollars ($1,000.00) or more The return made by a fiduciary shall state specifically the items of the gross income and the deductions exemptions and credits allowed by this act Under such regulations as the department may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the above requirement

D The fiduciary shall make oath of affirmation that he has sufficient knowledge of the affairs of the individual estate or trust for whom or which he acts to enable him to make the return and that the same is to the best of his knowledge and belief true and correct Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers

ARTICLE V

PROCEDURE

Section 501 Department of Revenue to Administer The Department of Revenue shall administer and enforce the tax herein imposed for which purpose it may divide the State into districts in each of which a branch office of the department may be maintained

Section 502 Examination of Returns Assessment of Tax Refunds A As soon as practicable after the return is filed the department shall examine it and assess the tax

B If the amount of tax as assessed shall be greater than the amount theretofore paid the additional assessment shall be paid by the taxpayer to the department within ten days after a notice of the amount of such additional tax as assessed shall be mailed to the taxpayer by the department In such case if the return is made in good faith and the understatement of the amount in the return is made in good faith there shall be no interest or penalty because of such understatement provided the deficiency be paid or notice of an intention to file a petition for a reassessment or to appear and be heard as herein provided shall be given within ten days after notice of the amount is mailed to the taxpayer If payment is not made within ten days and if no notice of an intention to file a petition for a reassessment or to appear and be heard is given to the department within ten days as herein provided there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment If the understatement is false or fraudulent with intent to evade the tax the tax on the additional income discovered to be taxable and assessed by the department shall be double and an additional one per centum shall be added to the amount so due for each month or fraction of a month from the date the tax was originally due to the date of payment

C If the amount of tax as assessed by the department shall be less than the amount paid by the taxpayer the excess shall be refunded upon written application by the department with the approval of the Board of Finance and Revenue out of the moneys in the State School Fund to the credit of the school district income tax account.

As much of the moneys from time to time standing to the credit of the school district income tax account of the State School Fund as may be necessary is hereby appropriated to the department for the purpose of making refunds as herein authorized Extimates of the amounts to be expended from this account for refunds from time to time by the department shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the department for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

Section 503 Estimated Assessments A If any individual or fiduciary believed by the department to be liable for a tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by the provisions of this act or any extension

thereof granted by the department if the department should deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of such individual's or fiduciary's accounts it may make an estimated assessment of the probable amount of the tax owing by such individual or fiduciary but in every such case it shall add to every such estimated assessment a penalty of fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to file a return or statement and the department shall proceed to recover money so due the Commonwealth as in other cases if not paid when due as hereinafter provided

B The amount thus determined together with penalties and interest at the rate of one per centum per month or fractional part thereof shall be due and payable ten days after notice of such settlement shall be mailed by the department

Section 504 Assessments Made at any Time within Three Years A Any additional assessment or estimated assessment as heretofore provided shall be made by the department within three (3) years after any net income of any taxpayer should have been returned by him for taxation any such additional assessment or estimated assessment may be made at any time during said period notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such taxpayer In any such case no credit shall be given for any penalty formerly assessed and paid

B In the case of income received during the lifetime of a decedent or by his estate during the period of administration or by a corporation any such additional assessment or estimated assessment as heretofore provided shall be made by the department within eighteen months after written request theerfor (filed after the return is made) by the executor administrator or other fiduciary representing the estate of such decedent or by the corporation but not after the expiration of three years after any such income should have been returned for taxation This sub-section shall not apply in the case of a corporation unles (1) such written request notifies the department that the corporation contemplates dissolution at or before the expiration of such eighteen month period and (2) the dissolution is in good faith begun before the expiration of such eighteen months and (3) the dissolution is completed

Section 505 Petition for Reassessment Appeal A Any taxpayer against whom any estimated or additional assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the amount becomes due and payable to wit within ten (10) days after notice of such estimated or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the estimated or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

B If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be aid every appeal to the court of common pleas under this section shall specify all the objections to the asessment and any objection not specified in the appeal shall not be considered by the court

Section 506 Petition for Refund of Taxes Penalties or Interest Paid Erroneously Appeal A Any taxpayer who has paid any tax penalty or interest under the provisions of this act whether or not such payment was made under protest which payment is alleged to have been made as the result of an error of law or of fact or of both law and fact may file a petition for the refund of any such payment with the department Any such petitions must be filed with the department within three (3) years from the date of the payment alleged to have been made erroneously Provided That where any such payment has been made under any provision of this act subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of any provision hereof subsequently held by such court to be erroneous such petition for refund may be filed within five (5) years from the date of the payment of which a refund is requested

B It shall be the duty of the department to hear and determine any such petition and if it shall find that any amount of taxes penalties or interest has been paid by such taxpayer erroneously as aforesaid such amount shall be refunded to the taxpayer as provided herein

C If such petitioner is dissatisfied with the action of the department on his petition for refund he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action is given to him by the department

Section 507 Enforcement Rules and Regulations Inquisitorial Powers of the Department A The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

B The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by this act Every such taxpayer or supposed taxpayer is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

C Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in

excess of five hundred dollars ($500.00) and costs of prosecution or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

Notwithstanding the provisions of subsection C of this section the department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing an income tax upon the incomes of individuals or the authorized representative of either such officer to inspect the income tax returns of any individuals or may furnish to such officer or his authorized representatives an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any individual but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of this State charged with the administration of the personal income tax law thereof

Section 508 Information at the source Every person in whatever capacity acting including lessees or mortgagors of real or personal property fiduciaries employers and all officers and employes of the Commonwealth or of any municipal corporation or political subdivision of the Commonwealth having the control receipt custody disposal or payment of interest (other than interest coupons payable to bearer) rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income amounting to one thousand dollars ($1,000.00) or over shall on or before the fifteenth day of May make a return under oath or affirmation to the department containing complete information concerning the amount of all such interest rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income of any individual partnership or fiduciary under such regulations and in such form and manner and to such extent as may be prescribed by the department The return shall be in such form as the department shall prescribe and shall contain a statement that the individual officer or employe of the Commonwealth political subdivision thereof or corporation or member or partner of the association making the return verifies the information contained in the return Upon conviction of making a false statement in such return the person making the same shall be subject to the penalties provided by the laws of the Commonwealth for perjury

Every person who fails refuses or neglects to file a return in accordance with the provisions of this section shall be liable to a penalty of not more than five hundred dollars to be imposed assessed and collected in the same manner as is provided in this act with regard to taxes

Section 509 Lien of Taxes A All taxes imposed by this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the taxpayer against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

B The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 510 Collection of unpaid taxes Whenever the taxes penalties or interest imposed by this act are not paid and no petition for reassessment thereof has been filed or if such taxes interest and penalties are not paid after all appeals have finally been disposed of the department shall call upon the Department of Justice to collect the same in like manner as is provided by law for the collection of other Commonwealth taxes

ARTICLE VI

VIOLATIONS

Section 601 Violations Penalties Any person who shall fail neglect or refuse to make any report required by this act or any taxpayer who shall refuse to pay the tax penalties and interest imposed by this act or any person who shall refuse to permit the department or any agent appointed by it in writing to examine his or her books records and papers or who shall knowingly make any incomplete false or fraudulent report or who shall attempt to do anything whatever to avoid the full disclosure of the amount of net income to avoid the payment of the whole or any part of the tax shall be guilty of a misdemeanor and shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or undergo imprisonment not exceeding three (3) years or both in the discretion of the court

Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

Section 602 Costs Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

ARTICLE VII

DISPOSITION AND USE OF TAX

Section 701 Disposition and Use of Tax All taxes interest and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the State School Fund of the State Treasury Two per centum of such moneys shall be transferred on or before the first day of January and July of each year during which the tax imposed by this act shall be collected to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the department and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available The balance less such sums as shall be reserved for the payment of refunds as provided in this act shall be available only for the payment of any appropriations made at any time by the General Assembly to the Department of Public Instruction for payment to school districts for salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools in accordance with the provisions of law

ARTICLE VIII

MISCELLANEOUS

Section 801 Saving Clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for State or local purposes

Section 802 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act it is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 803 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, this Senate some two weeks ago, passed a bill appropriating money for the salaries of all teachers in the lower grades, money suffi-

cient to take care of these salaries; and we passed it as a tax relief measure—as a relief measure from real estate taxation. This bill is an income tax bill, and has been amended to provide for a flat income tax of two per cent, with a thousand dollars exemption for single persons and fifteen hundred dollars exemption for those who are married.

This bill, it is estimated, will produce $38,000,000 a year, and will provide the funds to take care of the pay for the elementary school teachers.

Now, Mr. President, we are all, in this Senate, committed to relief from real estate taxation. There was early, in the Senate, proposed a plan which would have taken from fifty to sixty per cent. of the taxes off real estate. This plan could not be carried out because the House did not introduce such a bill. This bill will pay about thirty per cent. of the cost of real estate taxes for schools in Pennsylvania, and relieve real estate from taxation to that amount.

The Administration has proposed a graduated income tax bill, the constitutionality of which, it is claimed by the Attorney-General, is so doubtful that they do not care to accept it for general revenue purposes. I say, Mr. President, if a bill is of such doubtful constitutionality that it cannot be relied upon for general fund purposes, certainly the people of this State, whom we have promised to relieve from excessive real estate taxation, should not be fooled by the passage of such a bill.

Personally, I think a graduated income tax is constitutional; but it is a grave question; and in view of the fact that the Attorney General of this State, and many other lawyers, insist that it is not, I do not think this Senate should adjourn without passing a bill that will provide some revenue that will afford relief from real estate taxation. That is provided for in this bill, and I ask the Senate to pass the bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LAW. Mr. President, I ask unanimous consent to offer amendment at this time.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 1169 (House Bill No. 1473), was ordered to be transcribed for third reading.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer. Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Mercer, Mr. Law, explain the reason for moving to reconsider the vote by which this bill passed second reading?

Mr. LAW. Mr. President, to bring this bill back into a position where amendments may be offered that will restore it to its original position as a graded income tax bill.

Mr. OWLETT. Mr. President, may I ask the Senator if that is the purpose of the amendments he proposes to offer?

Mr. LAW. Mr. President, the purpose of the amendments is to restore this bill back to what it was; and what it was originally was a graded income tax bill.

Mr. OWLETT. Mr. President, I ask the Senate to vote down this motion to reconsider the vote by which this bill passed second reading.

And the question recurring,

Will the Senate agree to the motion?

A division being called for twenty-six Senators voted in the affirmative and twenty-one in the negative; whereupon the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. LAW. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Mr. LAW. Mr. President, I move to reconsider the vote by which the first section was agreed to.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend page 1, line 1 of the title by striking out after the word "graduated" and before the word "income" the word [an] and inserting lieu thereof the words "a graduated"; amend page 4, section 201 by striking out at the end of line 8 after the word "imposed" the following: [during the years one thousand nine hundred]; amend page 4, section 201 by striking out line 9; amend page 4, section 201 by striking out at the beginning of line 10 before the word "upon" the word [seven]; amend page 4, section 201 by striking out at the end of line 14 after the word "act" the following: [rate of two per centum of]; amend page 4, section 201 by striking out line 15 and inserting in lieu thereof the following: "following rates after deducting the exemption provided in this act"; amend page 5, section 201 by inserting between lines 15 and 16 the following: "(1) Two per centum of the amount of net income not exceeding five thousand dollars ($5000.00)"; "(2) Two and one-half per centum of the amount of the net income in excess of five thousand dollars ($5000.00) but not in excess of ten thousand dollars ($10,000.00)"; "(3) Three per centum of the amount of net income in excess of ten thousand dollars ($10,000.00) but not in excess of twenty-five thousand dollars ($25,000.00)"; "(4) Four per centum of the amount of net income in excess of twenty-five thousand dollars ($25,000.00) but not in excess of fifty thousand dollars ($50,000.00)"; "(5) Five per centum of the amount of net income in excess of fifty thousand dollars ($50,000.00) but not in excess of seventy-five thousand dollars ($75,000.00)"; "(6) Six per centum of the amount of net income in excess of seventy-five thousand dollars ($75,000.00) but not in excess of one hundred thousand dollars ($100,000.00)"; "(7) Eight per centum of the amount of net income in excess of one hundred thousand dollars ($100,000.00)"; amend page 5, section 201, line 17 by striking out after the word "[rates]" and before the word "specified" the word [rate] and inserting in lieu thereof the word "rates"; amend page 18 by striking out lines 8 to 28 inclusive; amend page 19 by striking out lines 1 to 25 inclusive; amend section 307, page 20, line 22, by striking out at the end of the line

after the word "territory" the syllable: [Pro-]; amend section 307, page 20, by striking out lines 23 to 27 inclusive; amend section 307, page 21, by striking out lines 1 and 2; amend section 308, page 23, line 24, by striking out at the end of the line after the word "[two]" the word [one] and inserting in lieu thereof the word "two"; amend section 308, page 23, line 25, by striking out at the end of the line after the figures "[($2,500.00)]" the figures [($1,500.00)] and inserting in lieu thereof the figures ($2,500.00); amend page 25 by striking out lines 3 to 29 inclusive; amend page 26 by striking out lines 1 to 23 inclusive; amend section 311, page 26, line 24, by striking out after the figures "[310]" and before the word "Credit" the figures [311] and inserting in lieu thereof the figures: "310" amend section 312, page 27, line 19, by striking out after the figures "[311]" and before the word "Certain" the figures: [312] and inserting in lieu thereof the figures: "311"; amend section 401, page 28, line 12, by striking out after the word "[two]" and before the word "thousand" the word: [one] and inserting in lieu thereof the word: "two"; amend section 401, page 28, line 13, by striking out after the figures "($500.00)" and before the word "or" the figures: [($1,500.00)]" and inserting in lieu thereof the figures: ($2,500.00); amend section 401, page 28, line 22, by striking out after the word "[two]" and before the word thousand" the word: [one] and inserting in lieu thereof the word: "two"; amend section 401, page 28, line 23, by striking out after the figures ($500.00) and before the word "or" the figures: [($1,500.00)] and inserting in lieu thereof the figures: ($2,500.00); amend section 401, page 29, line 13, by striking out at the end of the line after the word "thereafter" the words: [the year one]; amend section 401, page 29, line 14, by striking out at the beginning of the line before the word "for" the words: [thousand nine hundred and thirty-seven] and inserting in lieu thereof the words: "and in each and every year thereafter"; amend section 402, page 31, line 11, by striking out after the word "[two]" and before the word "thousand" the word: [one] and inserting in lieu thereof the word: "two"; amend section 402, page 31, line 12, by striking out after the figures "[($2,500.00)]" and before the word "in" the figures: [($1,500.00)] and inserting in lieu thereof the figures: ($2.500.00); amend section 404, page 32, line 10, by striking out after the word "[two]" and before the word "thousand the word: [one] and inserting in lieu thereof the word: "two"; amend section 404, page 32, line 11, by striking out after the figures "[($2,500.00)]" and before the word "or" the figures: [($1,500.00)] and inserting in lieu thereof the figures: ($2,500.00); amend section 504, page 36, line 19, by striking out after the word "[five]" and before the word "Years" the word: [three] and inserting in lieu thereof the word: "Five"; amend section 504, page 36, line 19, by striking out after the word "[An]" and before the word "additional" the words: [A Any] and inserting in lieu thereof the words: "An"; amend section 504, page 36, line 21, by striking out the bracket before the word "at"; amend section 504, page 36, line 21, by striking out at the end of the line after the figure "(5)" the following [within three (3)]; amend page 37 by striking out lines 1 to 16 inclusive; amend page 39, section 506 by striking out lines 8 to 29 inclusive; amend page 40, section 506 by striking out lines 1 to 6 inclusive; amend page 40, section 507 line 7 by striking out after the number "[506]" and before the word "Enforcement" the number [507] and inserting in lieu thereof the number "506"; amend page 42, section 508, line 6 by striking out after the number "[507]" and before the word "Information" the number [508] and inserting in lieu thereof the number "507"; amend page 43, section 509, line 11, by striking out after the number "[508]" and before the word "Lien" the number [509] and inserting in lieu thereof the number "508"; amend page 43, section 510, line 28, by striking out after the number "[509]" and before the word "Collection" the number [510] and inserting in lieu thereof the number "509"; amend page 45, section 701, line 23 striking out the bold face bracket before the word "School"; amend page 45, section 701, line 24 by striking out after the word "Created" and before the word "All" the following: [Disposition and Use of Tax]; amend page 46, section 701, line 1 by striking out the bold face bracket after the word "Treasury" and before the word "and"; amend page 46, section 701 by striking out at the end of line 2 after the word "account" the following: [Two]; amend page 46, section 701 by striking out lines 3 to 19 inclusive; amend page 46, section 702 by striking out the bold face bracket at the beginning of line 20 before the word "Section"; amend page 46, section 702, by striking out the bold face bracket at the end of line 29 after the word "of"; amend page 47, section 702 by striking out the bold face bracket at the beginning of line 1 before the word "reducing"; amend page 47, section 703, line 15 by striking out the bold face bracket after the word "the" and before the word "next"; amend page 47, section 703 by striking out out at the end of line 16 after the word "school" the following: [fiscal year of]; amend page 47, section 703 by striking out lines 17 to 20 inclusive; amend page 47, section 703 by striking out at the beginning of line 21 before the word "year" the following: [and for each fiscal]; amend page 47, section 703, line 25 by striking out the bold face bracket after the word "the" and before the word "school"; amend page 47, section 703, line 25 by striking out after the word "school" and before the word "year" the following: [fiscal]; amend page 47, section 703 by striking out the bold face bracket at the end of line 29 after the word "amount"; amend page 48, section 703, by striking out the bold face bracket at the beginning of line 1 before the word "equal"; amend page 48, section 703, line 3, by striking out the bold face bracket after the word "said" and before the word "school;" amend page 48, section 703, line 3 by striking out at the end of the line after the word "school" the following: [fiscal]; amend page 48, section 703, line 5 by striking out the bold face bracket after the word "any" and before the word "school"; amend page 48, section 703, line 5 by striking out after the word "school" and before the word "year" the following: [fiscal]; amend page 48, section 704 by striking out the bold face bracket at the end of line 28 after the word "Superintendent"; amend page 49, section 706 by striking out the bold face bracket at the end of line 27 after the word "available"; amend page 50, section 707 by striking out the bold face bracket at the beginning of line 1 before the word "Section"; amend page 50, section 707 by striking out the bold face bracket at the end of line 6 after the word "article."

Mr. RANKIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Mercer, Mr. Law, tell the Senate how much the graded income tax is estimated to yield for the relief of real estate?

Mr. LAW. Mr. President, I believe the figures are $30,000,000 for the biennium.

Mr. OWLETT. Mr. President, $30,000,000 for the biennium, or $15,000,000 a year?

Mr. LAW. Mr. President, yes.

Mr. OWLETT. Mr. President, so that, the tax passed for the relief of real estate will raise $15,000,000 a year, whereas the flat tax will raise $38,000,000 per year?

Mr. LAW. Mr. President, I would like to say I do not know on what the figures are based, on which the Senator from Tioga, Mr. Owlett, determines the $38,000,000.

Mr. OWLETT. Mr. President, the estimates given me are that the flat tax will raise $38,000,000 a year. I ask the Senate to vote down these amendments, and in support of that I would like permission to read a letter from the secretary of the Pennsylvania State Grange:

"The Pennsylvania State Grange for about twenty years has advocated an amendment to our State Constitution which will permit the levying of graduated income taxes. Each year for the last four years, at its annual sessions, the State Grange has approved the principle of a graduated income tax for Pennsylvania and has advocated that until such time such a law could be constitutionally enacted, there be enacted a flat income tax law of two per cent on all incomes with proper exemptions.

"The State Grange in its resolutions has always favored the imposition of income taxes for school purposes, believing that this is the fairest method of raising funds to maintain our present school system.

"We will appreciate any efforts that you may make to obtain the enactment, in this session, of a two per cent. flat income tax law for school purposes."

Mr. LAW. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. LAW. Mr. President, will the Senator from Tioga, Mr. Owlett, say that it is not true that some of the estimates given for a flat tax say that it will only yield eleven million dollars a year?

Mr. OWLETT. Mr. President, the information I have is that the best estimate of taxable income for Pennsylvania for 1935, with exemption of $1000 for single persons, $1500 for married persons, and an allowance of $400 for each dependent, is $2,000,000,000. This would mean $40,000,000 income with a two per cent. tax.

Mr. LAW. Mr. President, I would like to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. LAW. Mr. President, I would like to ask the Senator from Tioga what is the source of this best information he has.

Mr. OWLETT. Mr. President, these are figures compiled by an organization known as the Real Estate Taxpayers' League. I believe it is in Luzerne County. It worked out these figures. I do not have the names of the individual organizations included in the League.

Mr. LAW. Mr. President, I would like to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. LAW. Mr. President, from whom did the Senator from Tioga, Mr. Owlett, receive the information?

Mr. OWLETT. Mr. President, I received the information from the Secretary of this Luzerne County organization.

Mr. LAW. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, further if he made any check on who the organization are, and how their figures are compiled.

Mr. OWLETT. Mr. President, I am told they obtained their figures from the latest United States Treasury reports, the property owners' assessments of Luzerne County, W. D. Perryman, Manager, who, I understand, got his figures out of the books of the taxpayers' organization of the State; and the Senator from Luzerne, Mr. Sordoni, states it is the best.

Mr. LAW. Mr. President, I would also like to ask if it is affiliated with the Taxpayers' League which has been very much interested in tax legislation for the relief of real estate?

Mr. OWLETT. Mr. President, I do not understand.

Mr. LAW. Mr. President, I asked if the Senator from Tioga, Mr. Owlett, knew whether this organization is affiliated with the Taxpayers' League and other organizations that have been working for the relief of taxation on real estate.

Mr. OWLETT. Mr. President, yes, I believe it is directly affiliated.

Mr. LAW. Mr. President, I would like to ask the gentleman further if he has not stated repeatedly that he believed a graded income tax was constitutional.

Mr. OWLETT. Mr. President, that is my opinion, but unfortunately that opinion is not shared by many other lawyers, including the Attorney-General of the State.

My position, I wish to state again, Mr. President, is this: We have been told that the constitutionality of the graded income tax is so doubtful that it cannot be relied upon for revenue purposes, general revenue purposes, of the State. I say, Mr. President, that if any tax law is so doubtful it is not good for a revenue measure for general State funds. We should not fool the landowners of Pennsylvania and hold up a false promise of relief from real estate taxation. Let us pass a law that will really get some relief.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett, further. I would like to ask him if it is not true that the constitutional objection would also go to the exemptions of $1000 and $1500 which are in the bill as it now exists; and if it is not true that if the bill is unconstitutional as a graded income tax bill it will also be unconstitutional as a flat income tax bill with exemptions.

Mr. OWLETT. Mr. President, I do not so understand, as the same rate of tax is being levied on all classes of property under this law; under the graded income tax law it is not the same rate.

Mr. President, I want to state, with regard to this, that I believe a few years ago, when we had the question of

the inheritance tax up that the courts went into the question and took the position that the exemptions made the Act unconstitutional.

Mr. LAW. Mr. President, in view of that fact, if the gentlemen of the majority will tell me when they are going to recess to, I will tell him I will bring the amendments up immediately after that.

The PRESIDENT. The record indicates that the amendments did not pass second reading.

Mr. BUCKMAN. Mr. President, they were adopted however.

Mr. OWLETT. Mr. President, the amendments were not adopted.

The PRESIDENT. The Senator from Tioga, raised the question just as I was about to put them.

Mr. LAW. Mr. President, I ask unanimous consent that the bill go over in its order.

The PRESIDENT. The amendments are withdrawn and the parliamentary status of the bill now is that it is on second reading. The amendments are withdrawn.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1169 (House Bill No. 1473) go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. McCLURE. Mr. President, I call up at this time Senate Bill No. 1550 (House Bill No. 805), on third reading, entitled:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1550 (House Bill No. 805), as follows:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) is hereby specifically appropriated to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the training and education of such students as may be admitted to such college in accordance with this act thirty thousand dollars ($30,000) of said appropriation shall be paid during the fiscal year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and sixty thousand dollars ($60,000) during the fiscal year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven For the school year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six twenty-five students shall be appointed to said college to be selected by nominated by State Senators each Senator of each even-numbered senatorial district to have the privilege of appointing one candidate For the school year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven twenty-five students shall likewise be appointed on nomination of State Senators from odd numbered districts as above provided

One student shall be admitted from each of the senatorial districts from which nominations were made each of said years

The Governor of the Commonwealth shall also for each of said school years appoint five students to said college

Each candidate undergo a thorough physical examination and every student appointed to the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years and in default of such service in the National Guard to be liable to the Commonwealth for the sum expended under this or any other law appropriating moneys to said college for the education of students selected by competitive examination or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instructions from time to time upon bills rendered by the Pennsylvania Military College and approved by the Department of Public Instruction

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 9, by striking out the words "nominated by"; amend Section 1, page 2, line 17, by striking out the words "on nomination of" and insert in lieu thereof: "by"; amend Section 1, page 2, lines 19, 20 and 21, by striking out all of said lines; amend Section 1, page 2, line 26, by inserting after the word "candidate" the following: "shall"; amend Section 1, page 2, line 28, by inserting after the part-word "amination" the following: "and shall meet the scholastic entrance requirements of the college"; amend Section 1, page 3, line 3, by inserting after the word "years" the following: "commencing within six months after graduation"; amend Section 1, page 3, lines 7 and 8, by striking out the words "selected by competitive examination" and insert in lieu thereof: "appointed by Senators."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

FURTHER CONSIDERATION OF SENATE BILL NO. 1537 (HOUSE BILL NO. 1703)

Mr. THOMPSON (Centre). Mr. President, I move that the Senate do now proceed to the further consideration of Senate Bill No. 1537 (House Bill No. 1703). The vote by which the bill passed second reading was reconsidered this evening. It is commonly known as the Sunday Moving Picture bill.

Mr. CAVALCANTE. Mr. President. I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on second reading?

Mr. THOMPSON (Centre). Mr. President, I move to amend page 4, line 4, by striking out after the partial word "sioner" the word "of" and inserting in lieu thereof the word "by".

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 2653

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No. 2653 entitled:

An Act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives, in Lower Allen Township, Cumberland County, Pennsylvania, and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 540

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No. 540, entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July, one thousand eight hundred and thirty-nine, (P. L. 559), entitled "An act to provide for the election of prothonotaries, clerks, recorders and registers"; so far as the same relates to Cumberland County.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

CONSIDERATION OF THE CALENDAR DEFERRED

Mr. BUCKMAN. Mr. President, I move that further consideration of the calendar be deferred until tomorrow.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make a report from committee at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on County Government reported as committed, Senate Bill No. 1581 entitled:

An Act to enable county commissioners in counties of the second class to issue, sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 680 (House Bill No. 1227), entitled:

An Act authorizing the courts of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defaulting tax collectors and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes and to direct satisfaction of the taxes charged in duplicates where it appears such taxes have been paid.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 871 (House Bill No. 1689), entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 568) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1079 (House Bill No. 1979), entitled:

An Act to amend section five of the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" as amended providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1126 (House Bill No. 2225), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1167 (House Bill No. 1109), entitled:

An Act requiring specifications for the construction alteration or repair of public works of the Commonwealth county municipality or other subdivisions of the Commonwealth to contain a provisions that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1208 (House Bill No. 1947), entitled:

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeitures of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as amended extending the period for a surviving spouse to elect to take under or against a will in case a will is contested.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1286, entitled:

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (P. L. 395) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry food and patented proprietary or trade-mark stock and poultry food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator shaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (P. L. 1907, page 273) entitled 'An act regulating the sale of wheat rye corn and buckwheat bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven"further prescribing what may be mixed and sold under the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1338 (House Bill No. 2482), entitled:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of the State penitentiaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1339 (House Bill No. 2513) entitled:

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof and for other purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1340 (House Bill No. 2566), entitled:

An Act to further amend section fifteen of the act approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings: providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the commission of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1374 (House Bill No. 2398), entitled:

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring

the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1375 (House Bill No. 2402), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulating supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1403 (House Bill No. 1115), entitled:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1470, entitled:

An Act to amend section seven, as amended, and section eight of the act approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719) "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party offices including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed; providing for the return thereof in certain cases, and in other cases for the retention by or allocation among the counties interested, and imposing duties upon the State Treasurer and the respective county treasurers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1495 (House Bill No. 2245), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1515, entitled:

An Act to amend the title and the act, approved the twenty-third day of May, one thousand nine hundred and seven (P. L. 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husband," as amended; extending said rights to children abandoned by a father.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1545 (House Bill No. 272), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (P. L. 148) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing penalties for violations thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1567 (House Bill No. 2213), entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1581, entitled:

An Act to enable county commissioners in counties of the second class to issue, sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1609 (House Bill No. 2436), entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale and transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1610 (House Bill No. 2437), entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licenses and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1652 (House Bill No. 2299), entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1655 (House Bill No. 2438), entitled:

An Act to amend section one of the act approved the second day of June one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-nine) entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer and making an appropriation" as amended extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1658 (House Bill No. 2528), entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1663 (House Bill No. 2683), entitled:

An Act to amend the act approved the twentieth day of December one thousand nine hundred thirty-three one thousand nine hundred thirty-four (Pamphlet Laws eighty-nine) "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimbursement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1670 (House Bill No. 1653), entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1676 (House Bill No. 2959), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1686 (House Bill No. 2514), entitled:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to improve maintain and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1687 (House Bill No. 2271), entitled:

An Act making an appropriation to the Trustees of the Duquesne University Pittsburgh Pennsylvania.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 114, entitled:

An Act making an appropriation to the Trustees of Lincoln University, Chester County.

Senate Bill No. 547, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highway without the necessity of a view.

Senate Bill No. 1296, entitled:

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act No. 52) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title extending the time for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent.

Senate Bill No. 768, entitled:

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system; and making an appropriation.

Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction, reconstruction or maintenance, under certain terms and conditions, of free bridges across the Delaware River; granting certain powers to the Department of Highways in connection with the construction, reconstruction or maintenance of such bridges and approaches thereto; and making an appropriation.

House Bill No. 564, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

House Bill No. 893, entitled:

An Act providing for the payment of the compensation, medical and hospital expenses of policemen and firemen by cities, boroughs, towns and townships who are injured in or taken sick as a result of the performance of their duty; and providing that absence during such injury or sickness shall not reduce any usual sick leave period.

House Bill No. 1005, entitled:

An Act requiring tax collectors to secure from banks, banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States, the Commonwealth of Pennsylvania or any city, borough, townships or school district in the Commonwealth of Pennsylvania.

House Bill No. 2145, entitled:

An Act to repeal section six of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "Wills Act of 1917."

House Bill No. 2212, entitled:

An Act to further amend section five hundred and fifty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability of such bond shall cease.

House Bill No. 477, entitled:

An Act making an apropriation for the dredging of the Delaware and Schuylkill Rivers.

House Bill No. 1587, entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance, pensions for the blind and old age assistance.

House Bill No. 2138, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

House Bill No. 2529, entitled:

An Act to amend the act, approved the tenth day of March, one thousand nine hundred twenty-seven (P. L. 27), entitled "Pennsylvania Plant Pest Act of 1927," by providing for arrest on view, and clarifying the procedure to enforce the act.

House Bill No. 2875, entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and twenty-eight), entitled 'Domestic Animal Disease Suppression Law,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 70.1, 70.2, and 73 to the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

House Bill No. 2270, entitled:

An Act to further amend section three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "Pymatuning Swamps Reservoir Project Law" conferring additional powers and duties on the Water and Power Resources Board.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M., until Tuesday, June 18, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

MONDAY, June 17, 1935

The House met at 3:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshall L. Shepard, a member of the House, offered the following prayer:

Eternal God, our Heavenly Father, as we come to the closing days of this session, we come with grateful hearts for all the blessings that Thou hast bestowed upon us, for the acquaintances and friendships that have been formed and that through these weeks have been strengthened by devotion to a common task.

Thou Who art both Alpha and Omega, the beginning and the end, we pray Thee that we may realize Thy promise to be with us always even until the end.

Bless us according to our several needs. In His name and for His sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 13, 1935.

The Clerk proceeded to read the Journal of Thursday, June 13, 1935, when, on motion of Mr. MALE the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

TAXES

A resolution from the Pomona Grange No. 20 of Jefferson County, endorsing enacting of graduated income tax; economy in governmental expenses; protesting increase in gasoline tax; and protesting diversion of gasoline tax revenue.

Referred to the Committee on Ways and Means.

PLACE ON BALLOT DENIED CERTAIN POLITICAL PARTIES

Resolutions (2) from citizens of Pennsylvania urging passage of House Bill No. 2123.

Referred to the Committee on Elections.

REPORT OF EDUCATIONAL COSTS SURVEY COMMITTEE

The SPEAKER laid before the House the report of the Educational Costs Survey Committee appointed in accordance with the provisions of Resolution No. 36 which was read by the Clerk.

The SPEAKER. The report will be noted in the Jour-

nal and printed in the Appendix to the Legislative Journal.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2138:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and officers directors trustees and employes of such corporations and persons.

HOUSE BILL No. 2212:

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease

HOUSE BILL No. 2145:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

HOUSE BILL No. 477:

An act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

HOUSE BILL No. 1587:

An act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance

HOUSE BILL No. 2529:

An act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

HOUSE BILL No. 2875:

An Act to amend section two of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred ten) entitled "A supplement to the act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred twenty eight) entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle sheep goats swine poultry and wild and semi-wild animals into the Commonwealth" providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1005:

An Act requiring tax collectors to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Title, page 1, line 1, by inserting after the word "collectors" the words "of townships of the first class"; also in line 3, by inserting after the word "all" the word "township".

Amend Section 1, page 1, line 4, by inserting after the word "collectors" the words "of townships of the first class"; also on page 2, line 4, by inserting after the word "of" the word "township"; also in line 21, by inserting after the word "such" the word "township".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shepard,
Alexander,	Ferko,	McDermott,	Shortz,
Allen,	Finnerty,	McDevitt,	Shreiner,
Altenburg,	Fitch,	McElroy,	Shugarts,
Andrews,	Flanagan,	McHenry,	Siegel,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 893:

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 3, by inserting after the word "cities" the words "(except of the second class A)".

Amend Section 1, page 1, line 4, by inserting after the word "city" the words "(except of the second class A)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 477.

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

HOUSE BILL No. 1587.

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistaance pensions for the blind and old age assistance

HOUSE BILL No. 2138.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

HOUSE BILL No. 2529.

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

HOUSE BILL No. 2875.

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

HOUSE BILL No. 1962.

An Act to amend Sections 1 and 2 as amended Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirty) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservior for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board

Whereupon,

The Speaker, in the presence of the House, signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 712.

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered

HOUSE BILL No. 563.

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

Whereupon,

The SPEAKER in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 564.

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigatiable tributaries

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by striking out after the word "an" the word "appropriation" and inserting in lieu thereof the word "appropriations."

Amend bill on page 2, by adding thereto the following new sections: "Section 2 In addition to the appropriation made by section one of this act the sum of five thousand two hundred eighty-nine dollars and twenty-five cents ($5,289.25) is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the purposes specified in section one of this act during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to such Board for such purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund"

"Any law to the contrary nothwithstanding amounts payable to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriations made by section one of this act"

"Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Erce,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that all members who desire to have their files of bills, calendars, histories, and journals kept intact and sent to their homes will give their names to the Chief Clerk, with the request that the files be removed from their desks on Wednesday, June 19.

LEAVES OF ABSENCE

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the remainder of the week on account of illness.

The Speaker asked and obtained leave of absence for Mr. FRANCIS T. BAKER.

Mr. VanSickle asked and obtained leave of absence for Mr. SIMON.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SOWERS. RESOLUTION No. 175.

In the House of Representatives, June 17, 1935.

Resolved, That the Rules of the House of Representatives be amended to add thereto the following Rule:

Rule 41A. All House bills which have been adopted by the Senate with amendments and to which the concurrence of the House is requested shall be placed on the calendar or on a special calendar in the discretion of the Speaker and shall not be acted upon by the House until called up by a member.

Referred to the Committee on Rules.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2073 (Senate Bill No. 139), entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by providing for refunds of taxes paid on liquid fuels, consumed and providing penalties and providing for the suspension of this act under certain conditions

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2902 (Senate Bill No. 1128), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and others indirectly liable for the payment thereof and owners of property by restricting the right to proceed against certain property affected thereby and persons and limiting the amount of deficiency judgments

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1672 (Senate Bill No. 537), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an appropriation be made to the Elwyn Training School of Elwyn in the County of Delaware and Commonwealth of Pennsylvania for the maintenance of wards of the State at three hundred and fifty dollars per capita per annum and that the sum of three hundred and seventy-five thousand two hundred dollars ($375,200) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and thirty-five

Mr. TURNER offered the following amendment:

Amend bill by inserting on page 2, after line 3, the following new sections:

Section 2. In addition to the appropriation made by section one of this act the sum of one hundred thirty-six thousand seven hundred twenty-four dollars and two cents ($136,724.02) is hereby appropriated Elwyn Training School at Elwyn in the County of Delaware for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund.

Any law to the contrary notwithstanding amounts payable to Elwyn Training School out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3. This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania

On the question,

Will the House agree to the title?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title by striking out in line 1 the word: Elwyin and insert in lieu thereof the word: Elwyn

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2581, as follows:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses during the biennium ending the thirty-first day of May one thousand nine hundred thirty-five defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven million five hundred thousand dollars ($7,500,000) is hereby specifically appropriated from the General Fund to the State Emergency Relief Board to provide direct relief work relief and for administrative expenses as hereinafter provided for the biennium ending the thirty-first day of May one thousand nine hundred thirty-five

Section 2 The State Emergency Relief Board shall make allocations from time to time out of the monies appropriated to it among the several counties of this Commonwealth for work relief and direct relief on the basis of need and payments shall be made under such system of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine

Section 3 The money so allocated to a county over and above the sum set aside by the State Emergency Relief Board for work relief shall be available for expenditure in that county for direct relief for the unemployed who are without means of support through such agencies as shall be designated by the State Emergency Relief Board and under such rules and regulations as the board shall adopt

Section 4 The State Emergency Relief Board may from time to time expend or authorize the expenditure of such sums as may be necessary out of the appropriation made by this act for the payment of salaries wages or other compensation of the director and other employes or assistants for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone rentals telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices for payment to the State Work Relief Compensation Fund such monies as may be necessary under the provisions of the act of June third one thousand nine

hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) for the payment of rents for such buildings offices rooms storage space and lands as may be required for the accommodation or performance of the work of the board and for such other uses as the State Emergency Relief Board may in its discretion deem necessary to carry out the purposes for which the appropriation is made under this act

Section 5 This act shall be effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSON

Mr. EROE asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2904, entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cosmetic Tax Act"

The second section was read as follows:

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Cosmetic" Any oil lotion liquid powder salve cream crystal tablet paste compound or preparation used or useful for beautifying or cleansing preserving or improving the appearance of the skin or hair or teeth and any perfume and any shaving soap shaving cream and any other preparation of a similar character used or useful for shaving purposes

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cosmetics to retail dealers or for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cosmetics for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cosmetics so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box can bottle tube or other container in or from which retail sales of cosmetics are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, line 11 by inserting after the word "teeth" and before the word "and" the following: "except common household and toilet soaps other than medicated soaps."

On the question,

Will the House agree to the amendments?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The third to the fifteenth sections inclusive and title were separately read and agreed to as follows:

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cosmetics at wholesale or at retail within this Commonwealth unless a cosmetic permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cosmetics at wholesale or retail within this Commonwealth shall file an application for a cosmetic permit or permits with the department Every application for a cosmetic permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the applicant shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department

shall grant and issue to each applicant a cosmetic permit for each place of business within the Commonwealth set forth in his application Cosmetic permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1)

(d) The department may suspend or after hearing revoke a cosmetic permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cosmetic permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cosmetic permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is thereby imposed and assessed upon all sales of cosmetics by dealers at the rate of one cent for each fifteen cents or fractional part thereof of the retail selling price thereof except such sales of cosmetics as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cosmetics shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cosmetics to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cosmetics will not be required to purchase and affix stamps on such packages of cosmetics

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cosmetics stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cosmetics are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such package of cosmetics before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such cosmetics to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon receipt of any cosmetics at his place of business so affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such packages of cosmetics the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cosmetics

Whenever any cosmetics are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cosmetics are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cosmetics of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cosmetics the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cosmetics and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaging in the sale of cosmetics at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cosmetics received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cosmetics in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cosmetics taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give the Secretary of Revenue or his duly authorized representatives the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 Manufacturers of and dealers in cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of comsetics to be sold within this Commonwealth in which case the dealer or other person within this Commonwealth receiving such cosmetics shall not be required to purchase and affix stamps thereon

Section 9 In case any cosmetics upon which license stamps have been placed have been sold or shipped to a regular dealer in such articles in another state the seller in this Commonwealth shall be entitled to a refund of the actual amount of tax paid upon condition that the seller in this Commonwealth shall make affidavit that the

cosmetics are so sold and shipped and that he shall furnish from the purchaser a written acknowledgment that he has received such cosmetics and the amount of stamps thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps of sufficient value to cover the refund

Section 10 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce the rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Diverse methods and conditions of sale of cosmetics in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 11 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cosmetics

Section 12 (a) Any person who shall sell cosmetics without being the holder of a cosmetic permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or to suffer imprisonment for a term not exceeding six months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and to suffer imprisonment for a term not less than six months nor more than three years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cosmetics in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cosmetics taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or to suffer imprisonment of not more than six months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two years nor more than five years

Section 13 All taxes and permit fees received collected or accruing under the provisions of this act shall be paid into the State Treasury by and through the department and shall be used only for assistance to the aged and blind in accordance with existing laws and for such purpose are hereby appropriated to the Department of Welfare

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after the final enactment of this act and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation

And said bill having been real at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1629, as follows:

An Act authorizing cities boroughs and towns to construct acquire own operate and control electric power and light plants and appurtenances thereto and to sell electrical energy both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes providing for the election of a board of directors to operate and manage such plants and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city borough or town within the State is hereby authorized and given power to construct acquire own operate and control its own electric power and light plant to add to and maintain lands easements rights-of-way franchises distribution system sub-stations inter-tie or transmission lines to enable it to use purchase sell and dispose of electrical energy inside its corporate limits and also outside its corporate limits but only within a distance of ten miles of such corporate limits and only if the consent of the corporate authorities of the political subdivision in which such service is to be rendered has first been secured and with the consent of the owner thereof to connect its electric plant with any other electric plant or system or to connect parts of its own electric system

Section 2 Any city borough or town within the State now or hereafter owning its own electric power or light plant shall have the right to sell and dispose of electric energy to any other city borough or town or any governmental agency or municipal corporation mutual association or to any person copartnership association or corporation inside or outside its corporate limits and to purchase electric energy therefrom but not exceeding a distance of ten miles from such corporate limits

Section 3 Any city borough or town is hereby authorized to exercise the power of eminent domain which is hereby granted under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such city borough or town Provided however That no city borough or town shall acquire by purchase or condemnation any publicly or privately owned electric power or light plant or electric system located within its limits except with the approval of the qualified voters of the city borough or town acquiring such plant or system and where such plant or system is located in some other city borough town or township also with the approval of the qualified voters of that city borough town or township in which the property to be acquired is located nor shall any city borough or town acquire by

condemnation the electric power or light plant or electric system or any part thereof belonging to or owned or operated by any municipal corporation mutual non-profit or cooperative association or organization or a public utility district No private corporation whose electric power and light plant is so acquired shall cease to operate the same until such plant is turned over to the city borough or town for ownership management or control

Section 4 (a) Any such electric power and light plant so constructed and acquired shall be managed and operated by a board of five directors who shall be elected by the electors of such city borough or town At the first municipal election succeeding such acquisition or the commencement of such construction five directors shall be elected two for terms of two years each and three for terms of four years each from the first Monday of January succeeding such election Biennially thereafter at each municipal election two or three directors as the case may be shall be elected for terms of four years each to take the place of those directors whose terms are about to expire Vacancies in the office of director happening by death resignation or otherwise shall be filled by the council of the city borough or town for the unexpired term

(b) No director of any electric power and light plant shall at the same time hold any other elected or appointed public office or be employed in any other public position to which any salary or compensation is attached

(c) Each director shall receive such salary or compensation as may be fixed by the council of the city borough or town and in fixing such salary or compensation the council shall take into consideration prevailing salaries or compensation in the community for similar work

(d) The board of directors upon qualifying for the office to which elected shall take charge of the electric power and light plant and shall employ and dismiss at pleasure a superintendent and such clerks laborers mechanics and workmen as may be deemed necessary for the economical and efficient administration of said plant and shall fix their compensation in accordance with prevailing salaries and compensation in the community for similar work The board shall purchase such materials and supplies as may be required for keeping the plant in good repair and have charge of all construction repairs enlargements and extension of the plant and shall conduct and manage the affairs and business connected with such plant in accordance with law and the directions of council

(e) The board of directors shall make and submit to the council annually a true financial statement and a summary of the same shall be published once in one newspaper as defined by the Newspaper Advertising Act published or circulating within the city borough or town The board of directors shall also submit to the council full estimates of the cost charges and expenses of any new work enlargement extension or alteration of the electric power and light plant and no such work shall be undertaken or prosecuted without the consent of council

(f) The board of directors shall fix the rates for electric energy which shall be sufficient but not in excess of those required to operate the electric power and light plant in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued and provide for their retirement and all other costs and expenses properly chargeable to the operation of such plant But such plant shall at all times be operated for the mutual benefit of the inhabitants of the city borough and town and not for profit

(g) The council of the city borough or town shall provide by ordinance for the collection of all electric rates that may accrue fix the times when the same shall be payable and the penalties for non-payment Claims for such rates due may be registered in the lien docket of the city borough or town and may be collected in the same manner as unpaid taxes

Section 5 If any part of this act shall be adjudged to be invalid or unconstitutional such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole or any part thereof not adjudged invalid or unconstitutional It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional part not been included therein The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of cities boroughs or towns under existing laws

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1367, entitled:

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by fixing the compensation of the township treasurer in certain cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 802 The township treasurer shall receive for his duties as treasurer and tax collector for the township a sum equal to five per centum of all township taxes received or collected by him and in addition thereto a sum equal to one per centum on all other moneys received or collected by him for the township unless a different rate or annual compensation shall be fixed by ordinance of the township commissioners [finally adopted thirty days prior to his election] Provided That in no case shall the total compensation of the treasurer as treasurer and tax collector for the township exceed the sum of ten thousand dollars ($10,000) Provided That in any township where the county township and school taxes are collected by the county treasurer the township treasurer shall receive such compensation as the township commissioners shall fix not exceeding two thousand dollars ($2,000) annually

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by inserting after the figures "802" the following: "Compensation"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 The provisions of this act shall become effective in each township of the first class upon the expiration of the term of the township treasurer now in office or upon the earlier happening of a vacancy in such office

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by fixing the compensation of the township treasurer in certain cases

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1368, as follows:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" eliminating interest charges in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act it shall be the duty of each receiver or collector of any county city borough town township school district or poor district taxes and of each county tax collector to make a return to the county commissioners of such taxes which are assessed and levied on seated lands and which are unpaid and for which no liens have been filed not later than the first Monday of May in the year succeeding the year in which the respective taxes were assessed and levied filing therewith a description of said real estate by adjoiners or otherwise sufficient to identify said land with name of the owner or reputed owner against whom such taxes were assessed and levied and the amounts of taxes unpaid and the year during which the said taxes were assessed or levied In addition to penalties under existing laws interest at the rate of six per centum per annum shall be added beginning on the first day of May of the year following the levy and assessment of such tax until such taxes are paid or the seated lands responsible therefor are sold as hereinafter provided Provided however That such interest shall not be imposed in any case where county borough township school and poor taxes are collected by the county treasurer through a centralized system of tax collections

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2956 (Senate Bill No. 718), entitled:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

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ARTICLE I

GENERAL PROVISIONS

Sections one hundred one to one hundred nine, inclusive, were separately read and agreed to as follows:

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That pursuant to the provisions of Article XV Section 4 of the Constitution of the State the County of Allegheny the offices and poor districts thereof and as hereinafter provided the cities boroughs

and townships situated therein are hereby consolidated into a consolidated city and county with the constitutional and legal capacity of a municipal corporation to be known as city of "Metropolitan Pittsburgh" and hereinafter referred to as the consolidated city

Section 102 The said consolidated city shall be at the same time a city and a county and shall have at the same time all the powers rights and obligations appropriate to a city and to a county except as hereinafter expressly provided The said consolidated city shall be governed in accordance with the provisions of this charter All the laws of the state whether general special or local relating to or applicable to the County of Allegheny and to county officers of the County of Allegheny as the same may be on the date of the adoption of this charter shall continue to be in full force and effect except as the same may be inconsistent with the terms hereof and shall be and become a part of this charter as if incorporated herein and shall so remain until amended modified supplemented or repealed by appropriate amendment of this charter in accordance with the provisions hereinafter provided in Article XIX

Section 103 The cities boroughs and townships within the County of Allegheny as the same shall be on the date of adoption of this charter shall continue to exist as municipal divisions thereof with their then names and boundaries The powers rights capacities and duties of said cities boroughs and townships as municipal divisions of the consolidated city and the forms of government thereof shall except as otherwise provided in this charter continue to be determined by the laws of the state relating to cities boroughs and townships of their respective classifications as said laws now are or may hereafter be Any two or more municipal divisions or portions thereof may in accordance with the procedure hereinafter provided in Article XVIII be united of their own volition to form a single municipal division

Section 104 This charter shall become effective for all purposes except as hereinafter expressly otherwise provided upon the first day of January one thousand nine hundred thirty-six but if said charter has not been adopted prior to said date then upon the first day of the year which follows the adoption of this charter Whenever in any section of this charter the term "effective date" appears the same shall be taken and construed to refer to the effective date of this charter as defined in this section

Section 105 This charter does not include any provisions and shall not be construed to repeal or modify any acts relating to juries the duties of jury commissioners the administration of public schools public libraries law libraries or state highways applicable to the County of Allegheny or any part thereof but the same shall continue to be in full force and effect in the consolidated city and in the cities boroughs and townships situated therein in like manner as if this charter had not been adopted

Section 106 The consolidated city shall be a body corporate and politic under the name of city of "Metropolitan Pittsburgh" It shall have the capacity as a body corporate to

(a) Make such contracts as may be necessary for carrying out its corporate purposes and powers

(b) To acquire by purchase lease or otherwise and hold real estate within and without the limits of the consolidated city and personal property and to lease pledge mortgage sell convey or otherwise dispose of the same

(c) To sue and be sued

(d) To enjoy perpetual existence and succession

(e) To have a corporate seal

Section 107 There shall be transferred to the consolidated city upon the effective date of this charter all the property rights moneys interests claims and causes of action now possessed by or vested in the County of Allegheny and the directors of the poor of the County of Allegheny and all the works buildings and properties of the several cities boroughs and townships of the County of Allegheny now devoted to the care of the poor indigent feebleminded and insane The property rights of the several municipal divisions of the said consolidated city in such streets and bridges as may be designated by the Board of Commissioners as through traffic streets pursuant to Section 108 of this Article shall upon such designation pass to the consolidated city In the same manner the property rights of any municipal division in all works buildings and property used in connection with any function of said municipal division hereafter surrendered by such municipal division and accepted by the consolidated city shall pass to the consolidated city

Section 108 There shall be transferred to the consolidated city upon the effective date of this charter the following bonded and other indebtedness as the same may be on said date

(a) The bonded and other indebtedness and liabilities of the County of Allegheny

(b) The bonded and other indebtedness and liabilities of the directors of the poor of the County of Allegheny

(c) The bonded and other indebtedness and liabilities of the present City of Pittsburgh incurred for and on account of the care of the poor indigent feebleminded and insane and being the indebtedness of the present City of Pittsburgh incurred in connection with the activities and institutions now administered by its Department of Welfare

The consolidated city shall be liable for the payment of the foregoing indebtedness and liabilities to the same extent as if originally incurred by the consolidated city In the case of the bonded and other indebtedness and liabilities of the County of Allegheny and of the directors of the poor of the County of Allegheny the consolidated city shall pay the same in accordance with the terms on which such bonded indebtedness was created or such other liabilities incurred

The said bonded and other indebtedness and liabilities of the present City of Pittsburgh hereby transferred to and assumed by the consolidated city shall be treated and regarded as a new indebtedness of the consolidated city and the adoption of this charter as hereinafter provided shall be taken to constitute the consent of the electors thereof authorizing the creation of the said new indebtedness and the increase of the indebtedness of the consolidated city as provided in Article IX Section 8 of the Constitution of the State The consolidated city may issue bonds pursuant to the said authorization upon such terms as may be permitted by Law and the consolidated city may for the purpose of discharging the said indebtedness of the present City of Pittsburgh so transferred to and assumed by it either exchange the said bonds for the said outstanding obligations or sell the said consolidated city bonds or any portion thereof from time to time to provide funds to pay the said outstanding obligations of the present City of Pittsburgh as they mature or both as the board of commissioners may deem advisable

In the case of works buildings property and improvements including through traffic streets which may from time to time be transferred to and acquired by the Consolidated city pursuant to the provisions of the preceding section the then outstanding indebtedness incurred in connection therewith shall be assumed and paid by the consolidated city For this purpose the consolidated city shall have such additional rights and powers in connection with the payment and liquidation of the assumed indebtedness as may be possessed by the municipal division or district from which such works buildings property and improvements including through traffic streets shall have been so acquired

Whenever only a portion of the works buildings or property including through traffic streets may be taken by acquired by and transferred to the consolidated city from any municipal division thereof on account of which there is outstanding bonded or other indebtedness of the said municipal division the amount or proportion of such indebtedness to be transferred to the consolidated city shall be determined by agreement if possible between the Board of Commissioners of the consolidated city and the corporate authorities of the municipal division If such agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the fair and equitable adjustment of the said bonded or other indebtedness The said board shall consist of three members One member shall be selected by the Board of Commissioners of the Consolidated city Another member shall be selected by the corporate authorities of the munici-

pal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom

Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 109 The consolidated city shall have the power and authority to cancel repeal abrogate amend or change any franchise ordinances contracts or agreements between the several cities boroughs and townships and public utilities to the extent to which the same relate to the portion of any public utilities franchises located on any through-traffic street as designated by the board of commissioners

Where the conditions of any such franchise consent ordinance or agreement entitle the city borough or township to use any portion of the authorized facilities for its own purposes then said city borough or township shall continue as a municipal division of the consolidated city to enjoy the same privilege during the life of said franchise or consent ordinance

The consolidated city shall be entitled to receive a share of the payments due to any such city borough or township under any such franchise consent ordinance or agreement equal to the proportion which the facilities located in the through traffic streets bear to the total facilities authorized by such franchise or consent ordinance or covered by such agreement

If in any case an agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the sum to which the Consolidated City is entitled The said board shall consist of three members one member to be selected by the Board of Commissioners of the Consolidated City Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of the said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend bill, page 12, by inserting after line 21, the following section:

"Section 110. Publication of Legal Notices. Whenever under the provisions of this act, advertisement or publication is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth, one thousand nine hundred and twenty-nine, (P. L. 1784), published in the consolidated city unless the matter in connection with which the advertising is being done affects only a municipal division thereof, in which case such advertisement shall be published in a newspaper published in such municipal division if any, and if not, then in a newspaper circulating generally in such municipal division. If the notice is required to be published in more than one such newspaper, it shall be published as aforesaid and also in one newspaper of general circulation throughout the consolidated city. When any such notice that is required to be published in a newspaper of general circulation relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issuance and sale of bonds or other obligations to be paid by taxation, a similar notice shall also be published in the same manner in the legal newspaper, if any, as defined by the aforesaid act of assembly."

Amend Bill, page 12, line 22 by striking out after the word "Section" at the beginning the figures "110" and inserting in lieu thereof the figures "111"

Section 110 This act shall be known as submitted to the electors as and may be cited as "The Metropolitan Charter for the County of Allegheny"

On the question,

Will the House agree to the amendments?

They were agreed to.

The 201st to the 210th sections inclusive were separately read and agreed to as follows:

ARTICLE II

POWERS

Section 201 The consolidated city in its corporate capacity as distinguished from the municipal divisions thereof shall have in addition to the powers and duties conferred or imposed thereon as provided in Article I of this charter the following powers and duties

Section 202 The power to regulate and provide for the care of the poor the indigent sick the defective the delinquent the feeble-minded and the insane and for the care of neglected and dependent children and for these purposes to acquire provide and maintain grounds buildings and equipment needed therefor For such purposes the consolidated city shall have all the powers and duties now possessed by the directors of the poor of the County of Allegheny and the Department of Welfare of the present City of Pittsburgh

Section 203 The power and duty to provide institutions for the care custody and education to juvenile and adult offenders and to maintain direct and administer the same It is the intent and purpose of this charter that the maintenance direction and administration of the Allegheny County prison and the Allegheny County workhouse and inebriate asylum shall continue to be in the form and manner at present provided by law and so remain until a majority of the judges of the Court of Common Pleas of Allegheny County recommend that the consolidated city through an appropriate new or existing department take over all or a portion of said matters and said recom-

mendations are approved by appropriate resolution of the board of commissioners And provided further that nothing in this article shall be taken to affect or modify the powers and duties of the juvenile court of the county of Allegheny as the same are now or may be hereafter provided by law

Section 204 The power to make and enforce regulations in relation to public health in addition to and not in conflict with the laws of the state and the regulations of the advisory board of the state department of health and to construct maintain and manage hospitals clinics sanitaria laboratories and other institutions for the promotion of the same Municipal divisions may adopt regulations in relation to public health in addition to and not in conflict with those of the consolidated city

Section 205 The power to acquire lease improve maintain and manage within or without the corporate limits of the consolidated city parks athletic fields playgrounds swimming pools community centers and other recreational athletic or cultural facilities and to construct acquire lease and maintain buildings and works appurtenant thereto It shall have the power to make and enforce regulations for the use of said parks playgrounds and other recreational facilities and to lease concessions and to charge or allow to be charged reasonable prices for goods sold or fees for the use of property or services

Section 206 The power to designate from among streets and highways other than state highways or state aid highways or township roads receiving state reward at any time existing in any part of the consolidated city and in addition to county roads hitherto established by the County of Allegheny or hereafter established by the consolidated city through-traffic streets which shall thereafter be maintained by the consolidated city the power to lay out and open new through-traffic streets the power to name re-name locate relocate improve straighten widen grade re-grade pave repave and establish street lines and grades for all through-traffic streets and to number buildings thereon the power to construct and maintain sidewalks curbs gutters catch basins drains culverts signs lighting fixtures and all other appurtenances incident to such through-traffic streets No street shall be designated or laid out as a through-traffic street unless the proposal so to do originates with the planning commission of the consolidated city or until the proposal has been laid before the planning commission and it has had not less than sixty days in which to express its opinion thereon If the planning commission of the consolidated city advises against the designation or laying out of any street as a through-traffic street the board of commissioners shall reconsider the proposal but the decision of the board of commissioners by a two-thirds vote upon reconsideration shall be final Whenever a change of grade of such a through-traffic street results in or requires a change of grade of any connecting street or highway the said change of grade on the said connecting street or highway shall be regarded and treated in all respects as a part of the improvement of the through-traffic street and the consolidated city shall have the power to fix the grade of said connecting street or highway and do all other things necessary to fully carry out and complete the necessary improvement and acquire all right and assume all burdens arising therefrom

Section 207 The power to make regulations with regard to the erection of fences signs billboards buildings and structures within three hundred feet of any through-traffic street or county road provided that in any municipal division which has in effect an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 208 The power to construct operate and maintain bridges viaducts and tunnels connecting streets or portions of streets designated as through-traffic streets as provided in this charter

Section 209 The power to determine when and under what conditions through-traffic streets or any portion thereof so designated by the board of commissioners may be occupied by poles wires conduits pipes subways tracks or other property or facilities of public utility companies Municipal divisions shall have the right to use such through-traffic streets for their facilities subject to such reasonable regulations as the board of commissioners shall adopt

Section 210 The power to create districts for the purpose of regulating the location height area bulk and use of buildings and premises and to exercise planning powers as provided in Article XIII

The 211th section was read as follows:

Section 211 The power to create and provide for the management of special districts for the purpose of acquiring constructing maintaining and operating or contracting for any public property work improvement utility or service not for the exclusive benefit of any one municipal division and when the same are not self-sustaining to provide for the payment of the cost and/or operation and maintenance of such property work improvement utility or service by a special tax levied through such special district receiving such special service No such district shall be created unless and until the board of commissioners has held a public hearing upon the creation thereof Notice of such hearing shall be served upon the governing body of each municipal division any part of which is included in the said proposed district and shall be published two times at intervals of one week in a newspaper of general circulation in the consolidated city and similarly in a newspaper published in each of the said municipal divisions and of general circulation therein if there be such a newspaper The hearing shall be held not less than ten days after the last publication of the notice and not less than thirty days after the service of notice upon the governing bodies of the said municipal divisions

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 211, page 17, line 16, by inserting after the part-word "lished" the following: "in accordance with the provisions of section one hundred and ten of this act"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections two hundred twelve to two hundred twenty-five were separately read and agreed to as follows:

Section 212 The power and duty to establish recruit train and maintain a police and detective force together with the power to create and maintain agencies institutions and facilities for the apprehension of criminals and the prevention and detection of crime

Section 213 The power to regulate by ordinance the production or emission of smoke from any chimney smokestack or other source and the construction of all hereafter constructed or rebuilt chimneys stacks flues smokepipes and ventilators Smoke is hereby defined as the product of combustion whether gases or solids

Section 214 The power to make uniform regulations not inconsistent with the laws of the State for the control of traffic on all through-traffic streets and all bridges and tunnels incident thereto which regulations it shall be the duty of all peace officers of the several municipal divisions as well as the police and traffic patrol of the consolidated city to enforce The power to acquire provide install and maintain traffic signal lights and other physical devises for the control of traffic on such through-traffic streets and the power to prescribe the type and manner of installation and operation of signs signal lights and other physical devices for the control of traffic thereon established and maintained by any municipal division The

term "through-traffic street" as used in this section shall be taken to mean the streets designated as such in accordance with the provisions of section 206 (two hundred six) of this article and shall have no reference to the term "through-traffic street" as used in any other law

Section 215 The exclusive power to assess property offices professions and persons for taxation within the consolidated city and to establish such methods and procedure therefor not inconsistent with the provisions of this charter as the board of commissioners may by ordinance determine

Section 216 The power to levy and collect such taxes as may be necessary for the purpose of paying the debts and defraying the expenses of the consolidated city on all property and persons including public service companies within the limits of said city taxable according to the laws of the state for county purposes and to levy and collect all other taxes fees and licenses permitted to counties or county officers under the laws of the state

Section 217 The power to incur indebtedness for the purpose of carrying out any of the powers conferred by this charter subject always to the limitations of the constitution of the state and wherever practicable serial bonds shall be issued in preference to bonds of any other nature In no case however shall any bonds of any other securities of the consolidated city be issued for a term which shall exceed thirty years or the estimated life of the work or improvement for the payment of which they are issued whichever period of time is shorter Said estimated life shall be determined by the head of the department under the direction of which such work or improvement is carried on and he shall make affidavit thereto to the board of commissioners which affidavit shall be supported and substantiated by the additional affidavits of two disinterested registered engineers not being in the employ of the consolidated city who shall be members in good standing of the American Society of Civil Engineers or its successors to be appointed by the public administrator of the consolidated city stating that each of them is familiar with the work or project in question and that the estimated life of the work is not less than the estimated life certified by the head of such department

Section 218 The power to exercise for the purpose of carrying out any of the powers conferred by this charter including the acquisition of property on behalf of the special districts provided for in section two hundred eleven of this article the right of eminent domain in the form and manner provided for by the laws of the state for municipal corporations and in connection with the exercise of the right and power of eminent domain for the acquisition of real property the title thereto so acquired shall be in fee simple

Section 219 The power in connection with the construction and operation of any public building or improvement to include therein or attach thereto storerooms parking garages or other space or facilities and to charge for the use thereof

Section 220 The power to enact ordinances for the purpose of carrying out the powers conferred by this charter and to make reasonable rules and regulations pertaining thereto and to provide for the punishment of violation thereof by imposing a fine of not more than three hundred dollars or imprisonment in the jail or workhouse for a period not exceeding sixty (60) days either or both for each violation thereof

Section 221 The power to create and define by ordinance the powers and duties of all offices and employments not established by the constitution of the state or by this charter necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of the consolidated city to modify consolidate or abolish the same and to fix the compensation of all officers and employes of the consolidated city not fixed by this charter Except as specifically provided in this charter the officers and employes of Allegheny County of the directors of the poor of Allegheny County and of the department of welfare of the present city of Pittsburgh as the said officers and employes shall be on the effective date of this Charter are continued in their then offices and employments at their then rate of compensation until removed or transferred or until their successors are duly elected or appointed as the case may be or until their said offices and employments be modified consolidated or abolished or the compensation therefor altered as authorized in this charter It is the purpose and intent of this section that no interruption in the performance of any of said offices or employment shall be caused by the adoption of this charter

Section 222 The power to provide a system of retirement annuities or pensions for old age and/or disability and/or death benefits to dependants applicable to regular officers and employes of the consolidated city based upon equal contributions by the consolidated city and by the officers and employes thereof to an extent of not less than thirty per cent nor more than fifty per cent of their annual compensation and to provide for the insurance of any and all of its officers and employes and dependents against the consequences of injuries received by such officers and employes in performance of their duty Provided however That nothing herein contained shall be construed to repeal the following acts or parts of acts nor any amendments thereto Sections three hundred eleven to three hundred twenty-six inclusive of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto"

The act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand fifty) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created

The act approved the twenty-second day of May one thousand nine hundred and thirty-five (Act number ninety-nine) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act"

Section 223 The power to accept devises bequests legacies donations or services to or for the use of the consolidated city or any of its departments and to administer the same in accordance with the conditions thereof or to reject and devise bequest legacy or donation accompanied by conditions unacceptable to the consolidated city

Section 224 The power to employ such measures as may be necessary or proper for the carrying out of the powers conferred by this charter upon the consolidated city and the departments and officers and employes thereof and all rights and powers incidental thereto and as may be necessary or convenient to enable it to carry on its metropolitan powers and functions without interruption

Section 225 The power to receive accept and administer grants of money from the United States the State or any sub-division or bureau thereof upon such terms and conditions as the board of commissioners may deem advisable provided however that nothing in this section shall be construed to permit the consolidated city to incur any indebtedness except in strict accordance with the provisions of the constitution In the event that indebtedness of the consolidated city is created in connection with the receiving of such grants said indebtedness shall provide for the

payment and liquidation thereof over a period of not more than thirty years preferably by serial bonds and shall make such appropriations of general funds or levy such appropriate taxes as may be necessary to provide for the payment and liquidation of said indebtedness

Sections three hundred one to three hundred eleven inclusive were separately read and agreed to as follows:

ARTICLE III

BOARD OF COMMISSIONERS

Section 301 There shall be a board of seven commissioners in which shall be vested except as otherwise provided in this charter all the powers of the consolidated city In addition to such powers the said board of commissioners shall have all the powers of the commissioners of the County of Allegheny the directors of the poor of the County of Allegheny as the same shall be on the date of adoption of this charter and shall have powers similar to those exercised by the departments of welfare and of health of the present city of Pittsburgh as the same shall be on the date of the adoption of this charter.

Section 302 The members of the board of commissioners shall be qualified electors of the consolidated city and must at the time of their election have been citizens of the United States for a period of not less than ten years and shall have resided in the district of which each must be a resident as hereinafter provided for not less than five years The chairman of the board of commissioners shall at the time of his election have resided in the consolidated city for a period of not less than ten years and shall have been a citizen of the United States for not less than twenty years and shall be elected at large and the other six commissioners shall be residents of and elected by the electors of districts numbers one two three four five and six respectively as hereinafter provided The chairman of the board of commissioners shall receive an annual compensation of six thousand dollars and the remaining members shall receive an annual compensation of five thousand dollars

Section 303 In the event that this charter is adopted at the special election hereinafter provided to take place during the year one thousand nine hundred and thirty-five the election of the first board of commissioners of the consolidated city shall be held at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-five and the commissioners thereupon elected shall take office on the first day of January one thousand nine hundred and thirty-six At said election there shall be elected at large a chairman of the board of commissioners and six other members of the said board to serve for terms of four years each from the first Monday of January one thousand nine hundred and thirty-six In the event that this charter is not adopted at the special election during the year one thousand nine hundred and thirty-five hereinafter provided then the following provisions shall govern the taking of office of the first board of commissioners of the consolidated city If the charter is adopted during the year one thousand nine hundred and thirty-seven prior to the municipal election for that year the three county commissioners of the County of Allegheny in office on the thirty-first day of December one thousand nine hundred and thirty-seven shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-seven there shall be elected at large four members of the board of commissioners to serve for terms of two years from the first Monday of January one thousand nine hundred and thirty-eight and the person receiving the highest number of votes for the office of commissioner at the said municipal election in the year one thousand nine hundred and thirty-seven shall be and become chairman of the board of commissioners At the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected in the manner and by and from the districts herein provided in the event that the charter is adopted during the year one thousand nine hundred and thirty-eight or the year one thousand nine hundred and thirty-nine the three county commissioners of the County of Allegheny in office on the thirty-first day of December of the year during which the charter is adopted as aforesaid shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected as above provided

Section 304 The board of commissioners of the consolidated city as first constituted shall meet on the third Monday of November following their election or as soon thereafter as the returns of the election are officially certified appoint a secretary prepare ordinances and resolutions affecting the organization of the consolidated city government so that the same may be adopted promptly upon the commencement of their term of office consider a budget for the ensuing year and transact any other appropriate business

Section 305 The board of commissioners shall meet at ten o'clock in the morning of the first Monday of January of the year in which their terms of office become effective and shall hold a regular meeting at least three times a week on Mondays Wednesdays and Fridays Special meetings may be called only by written notice signed by the chairman or by four members of the board of commissioners delivered at the residence or place of business of each member of the board at least twenty-four hours before the time of such meeting The presence of four members which may include the chairman shall constitute a quorum Every ordinance resolution or vote of the board of commissioners except votes upon merely procedural motions shall require at least four affirmative votes

Section 306 At the said meeting on the first Monday of January of the year during which the terms of office of said commissioners become effective the board of commissioners shall elect from its own members a vice-chairman who shall preside at meetings in the absence of the chairman In the event of the death removal or resignation from office or permanent disability of the chairman the board of commissioners shall fill the vacancy forthwith by the election for the unexpired balance of the term of a person qualified to be elected to such office who shall be of the same known political affiliation as the said chairman In the event of the death resignation or removal from office or permanent disability of any other member of the said board of commissioners the remaining members of the board including the chairman shall forthwith cause said vacancy to be filled by the appointment for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as the said commissioner

Section 307 The board of commissioners shall have power to adopt such rules of procedure as are not inconsistent with the provisions of this charter

Section 308 All ordinances and resolutions shall be introduced in written form and except in the case of an emergency ordinance no procedings other than reference to a committee or other authority to which ordinances and resolutions must or may be referred as provided in this charter shall be had thereon until the same have been printed and placed on the desks of the members for at least twenty-four hours All ordinances other than emergency ordinances shall be read once at length and considered on three separate days The yeas and nays shall be taken upon the passage of all ordinances and resolutions and shall be entered upon the journal of the board of commissioners The enacting clause of all ordinances shall be Be it ordained by the Board of Commissioners of the city of Metropolitan Pittsburgh

Section 309 All ordinances except the annual appropriation ordinance and ordinances codifying or arranging existing ordinances shall be confined to one subject and the subject of each ordinance shall be clearly expressed in its title Ordinances making appropriations shall be confined to the subject of appropriations

Section 310 An emergency ordinance is an ordinance to provide for the immediate preservation of the public peace property health or safety in which the emergency claimed is set forth as part of the ordinance and which is passed by not less than five affirmative votes No ordinance granting renewing or amending a franchise or other special privilege shall be passed as an emergency ordinance

Section 311 All ordinances and resolutions shall be authenticated by the signature of the chairman or vice-chairman in the absence of the chairman and the secretary of the board of commissioners under the seal of the city of Metropolitan Pittsburgh The board of commissioners shall keep a journal in which shall be recorded all official actions of the board This journal shall be a public record and open to inspection between the hours of nine in the forenoon and five in the afternoon of any business day

Section 312 was read as follows:

Section 312 All acts of the board of commissioners affecting the public generally in the consolidated city or any substantial portion thereof and all authorizations of the board of commissioners to a settlement or compromise of claims of every character and description against the consolidated city exceeding five hundred dollars shall be enacted by an ordinance of the consolidated city and all other acts of the board of commissioners shall be by resolution In the case of resolutions it shall not be necessary to publish notice thereof except as otherwise provided in this charter but in the case of ordinances notice thereof shall be published as follows within three days after the introduction of said ordinance a brief abstract of the important provisions thereof shall be published once in a daily newspaper published in the consolidated city and of general circulation therein and in addition if the said ordinance relates to less than the whole consolidated city and relates to or specifically affects anyone or more of the municipal divisions thereof in a daily newspaper if any published therein and if there is no daily newspaper published therein then as soon thereafter as possible in a weekly newspaper if any published in the said municipal division or divisions No ordinance other than an emergency ordinance shall be finally passed until such publication has been completed and affidavit of publication thereof filed with the secretary of the board of commissioners Within ten days after the final passage of any ordinance involving the imposition of fines and penalties the portion of the ordinances setting forth the offense and the amount of the fine and penalty shall be published in full once in a daily newspaper published in the consolidated city and of general circulation therein

The board of commissioners shall provide by rules and regulations that a reasonable number of copies of ordinances shall be printed as the circumstances may require and as the demand therefor may exist by the public generally or by persons specifically interested therein In case ordinances are passed at the request of and for a private interest the person firm or corporation one or more so interested in the said ordinance shall pay in advance all costs of printing and publication involved in the enactment of the said ordinance

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 312, page 31, line 7, by inserting after the word "thereof" the following: "the same shall be published once"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections three hundred thirteen to three hundred twenty-four, inclusive, were separately read and agreed to as follows:

Section 313 The board of commissioners shall have the power to fix the amounts of the bonds to be given by the elective and appointive officers and employes of the consolidated city provided that they shall be approved in the case of the controller by the board of commissioners and in the case of all other officers and employes by the controller and premiums thereon shall be paid by the consolidated city The said bonds shall be bonds of individual sureties or of a Surety Company or Companies acceptable to the board of commissioners and duly qualified and authorized to do business in this state

Section 314 The fiscal year shall begin on the first day of January and end on the thirty-first day of December next following

Section 315 On or before the first Monday of November in each year the public administrator shall submit to the board of commissioners an estimate of the revenues and expenditures of the consolidated city for the ensuing calendar year This estimate shall be compiled by said public administrator from detailed information supplied by the Directors of the several departments and other officers boards and courts of the consolidated city upon uniform blanks furnished by the director of finance and it shall be the duty of every department head officer court and board to fill out the said blanks with all the information demanded thereon and return the same to the director of finance on or before the date set by him for such return The classification of the estimate of expenditures shall be uniform for the main functional divisions of each department office court and board and whenever the system of accounts referred to in Article VII shall have been put into effect shall correspond with the classification employed therein For the purpose of this and the succeeding sections of this Article the offices of the several county officers as provided in Article IV of this charter shall be deemed to be departments of the consolidated city

Section 316 The estimate of expenditures submitted to the board of commissioners shall contain in parallel columns a detailed estimate of the expense of conducting each department and each other office court or service of the consolidated city as submitted by the head of such department or the officer court or board as the case may be and the recommendation of the public administrator as to the amounts to be appropriated with his reasons for his recommendation together with such other information as may be prescribed from time to time by the board of commissioners The estimate of expenditures shall likewise contain a statement of the total debt of the consolidated city the debt less sinking fund the debt less assets legally deductible in determining debt incurring capacity and a schedule of the maturities of all securities outstanding of the consolidated city together with an estimate of the sums to be expended in the ensuing calendar year for (1) interest on the debt (2) paying off securities maturing during the year and (3) sinking fund requirements

Section 317 The estimate of revenues which must be submitted with the estimate of expenditures shall contain in parallel columns a detailed statement of the receipts for the last fiscal year the receipts for the current fiscal year plus an estimate of the receipts for the balance of the current fiscal year and the estimated receipts for the ensuing fiscal year from each source of revenue other than from taxes and such other information as the board of commissioners may prescribe The said estimate shall contain a statement of the revenue from taxation for the last five completed fiscal years and the current fiscal year together with an estimate of the millage necessary to meet the expenditures proposed in the estimate of expenditures

Section 318 On the same day as the foregoing estimate of revenues and expenditures is presented to the commissioners of the consolidated city the said public administrator shall file in the office of the director of finance five copies thereof which shall be open to inspection of the

public thereafter between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of every business day An abstract of the estimate of revenues and expenditures shall also be forthwith made available in pamphlet form to the public without charge

Section 319 With the estimate of revenues and expenditures the public administrator shall present to the board of commissioners a draft of an appropriation ordinance which shall thereupon be deemed to have been regularly introduced therein The board of commissioners shall give notice by advertisement in two successive issues of two daily newspapers published in the consolidated city and of general circulation therein of a public hearing or hearings which shall not commence sooner than five days after the last publication Following the public hearing or hearings the appropriation ordinance may be amended and shall thereafter take the same course as other ordinances

Section 320 Not later than one week after the final passage of the appropriation ordinance the director of finance shall certify to the board of commissioners the tax levy in dollars per hundred of assessed valuation necessary with other sources of revenue as estimated to produce the income necessary to provide for the total sum appropriated in the appropriation ordinances The board of commissioners shall thereupon proceed to adopt a tax levy ordinance of an amount sufficient to meet fully the estimated expenditures

Section 321 The board of commissioners may transfer any portion of the unencumbered balance of an appropriation to any other purpose upon the written recommendation of the director of finance certifying the existence of such unencumbered balance and setting forth the reason for such transfer and may at any time appropriate any moneys in the treasury not otherwise appropriated

Section 322 Together with the annual estimate of revenues and expenditures as heretofore provided the public administrator shall submit an estimate of the revenues and expenditures for the ensuing calendar year for each special tax district Said estimate shall be presented as near as may be in the same manner and form as the general estimate of revenues and expenditures and like proceedings with regard to hearing or hearings appropriation ordinance and tax levies shall be had thereon except that notice of hearing shall be published in the manner provided for the publication of notice of ordinance as provided in Section three hundred twelve of this Article

Section 323 Except as otherwise expressly provided in this charter the board of commissioners shall have the power and duty of classifying all persons in the service of the consolidated city and the bureaus board departments and divisions thereof and to fix the compensation of all such persons and likewise to fix and determine the number thereof and the minimum requirements and qualifications for each class of position The powers and duties imposed by this section shall be exercsied by ordinance but only after there has been filed by the public administrator in the office of the board of commissioners the recommendations thereto of the department of personnel made pursuant to the provisions of section 1405 (fourteen hundred five) of Article XIV together with his report thereon and the report thereon of any officer or head of department interested Changes in the classifications salaries number of employes or in the minimum requirements and qualifications for each class of position as aforesaid shall be made by ordinance as aforesaid and only after the recommendations thereto from the Department of personnel have been made to the public administrator as provided in section 1405 (fourteen hundred five) of Article XIV and only after the public administrator has filed in the office of the board of commissioners the said recommendations together with his comments thereon and the reports thereon of any officer or head of department interested have been likewise filed in the office of the board of commissioners Provided however that the public administrator shall in every case within ten days after the recommendations of the department of personnel as aforesaid shall have been filed in his office transmit the same together with his report thereon to the office of the board of commissioners and providing further that the recommendations of the board of personnel shall be deemed to have been approved by any officer or head of department interested unless he shall within the period of ten days as aforesaid file his report thereon in the said office of the board of commissioners

Section 324 The board of Commissioners may create by ordinance the office of public defender in and for the court of oyer and terminer and quarter sessions of the county of Allegheny and prescribe the duties of said office and may likewise provide for appointment of such employes of said office as may be advisable subject always to the provisions of Article XIV The annual compensation of said public defender shall be provided for by said ordinance and shall not exeeed the sum of six thousand dollars

Sections 401 to 412, inclusive, sections 501 to 505, inclusive, sections 601 to 610, inclusive and sections, 701 to 706, inclusive, were separately read and agreed to as follows:

ARTICLE IV

COUNTY OFFICERS

Section 401 In the case of fees charges penalties or costs paid by the state or any department division or bureau thereof to any county officer by reason of his holding of any office the same shall hereafter be paid over by him to the treasurer of the consolidated city and be and become the property of the consolidated city as a part of the general fund

Section 402 The district attorney sheriff controller and coroner shall continue to be elected pursuant to the general laws of the state applicable to the County of Allegheny as the same may be on the effective date of this charter and shall continue to have the powers rights and duties prescribed by said general laws Any vacancy occurring in the office of district attorney sheriff controller and coroner by reason of death resignation or otherwise shall be filled forthwith by appointment by the Governor for the unexpired balance of the term of a person qualified to be elected to such office

Section 403 The prothonotary of the court of common pleas the clerk of the court of quarter sessions the clerk of the court of oyer and terminer the recorder of deeds and two jury commissioners shall be appointed by the board of commissioners The office of the clerk of the court of quarter sessions and of the court of oyer and terminer shall be held by the same person No person shall be eligible for appointment as prothonotary clerk of the court of oyer and terminer or of quarter sessions or recorder of deeds or for the office of jury commissioner unless he has been a citizen of the United States for a period of at least ten years and a qualified elector and resident of the consolidated city for a period of at least five years The said appointment shall be made in accordance with the provisions of section four hundred eight of this article

The said prothonotary clerk of the court of quarter sessions clerk of the court of oyer and terminer recorder of deeds and two jury commissioners shall have except as otherwise provided in this charter the right powers and duties of their respective offices as the same shall be on the effective date of this charter under the laws of the State applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 404 The offices of register of wills and clerk of the orphans' court of Allegheny County shall be held by the same person The said register of wills and clerk or orphans' court shall be appointed by the board of commissioners No person shall be eligible for said appointment unless he shall have been a citizen of the United States for at least ten years and a qualified elector and resident of the consolidated city for at least five years at the time of his appointment Said appointment shall be made in accordance with the provisions of section 408 of this article

The said register of wills and clerk of the orphans' court shall have except as otherwise provided in this charter the rights powers and duties of the register of wills and clerk of the orphans' court of Allegheny County as the same shall be on the effective date of this charter under the laws of the state applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 405 The treasurers shall be appointed by the public administrator with the approval of the board of commissioners Such appointment shall be made in the manner provided in section 408 of this article The term of office of said officers shall be for a period of four years beginning on January first of the calendar year following their appointment

The recorder of deeds and treasurer shall except as otherwise provided in this charter have the rights powers and duties provided by the laws of the state for their respective offices All information which the recorder of deeds is under the duty to prepare and furnish to any board or officials charged with the assessment of real estate under present laws shall hereafter be furnished to the appropriate officers and employes of the division of assessment of the consolidated city and the failure to certify the same at reasonable intervals as requested by the said division of assessment shall be deemed to be a misdemeanor in office and on conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding one year or both at the discretion of the court

No person shall be eligible for appointment to the office of treasurer unless at the time of said appointment he shall have been a citizen of the United States for at least ten years and a resident and a qualified elector of the consolidated city for at least five years

Section 406 The board of viewers in the number now provided by law shall be appointed by the judges of the court of common pleas and shall have such powers as now are or may hereafter be provided by law

Section 407 The offices of county surveyor and county engineer are hereby combined with that of the director of the department of public works of the consolidated city as hereinafter provided in Article X

Section 408 In the event that the charter is adopted at the special election for the year one thousand nine hundred thirty-five hereinafter provided the following officers shall thereupon be appointed by the aforesaid appointive powers all of said appointments to be made as soon as practicable and in no case later than the first day of December one thousand nine hundred thirty-five as follows the prothonotary of the court of common pleas the clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer In the event that this charter is not adopted at the special election aforesaid the prothonotary clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer in office on the effective date of the charter shall continue in office for the term for which they have been elected and thereafter these offices shall be filled by appointment as aforesaid Provided however that if the said charter is adopted at an election prior to the general election on the first Tuesday after the first Monday of November one thousand nine hundred thirty-seven then the two jury commissioners aforesaid shall be appointed by the court of common pleas as aforesaid and the office of surveyor shall be combined with that of county engineer and director of public works as aforesaid

Section 409 The annual compensation of county officers referred to in this article shall be as follows

The Sheriff	$9600.00
The Prothonotary	7200.00
The Clerk of Court of Quarter Sessions and Oyer and Terminer	7200.00
The Recorder of Deeds	7200.00
The Register of Wills and Clerk of the Orphans' Court	7200.00
The Treasurer	7200.00
The Controller	9600.00
The Coroner	7200.00
The District Attorney	9600.00
The two jury commissioners appointed pursuant to this article each	4200.00
Each member of the Board of Viewers	6000.00

Nothing in this section shall be construed to diminish the salary of any county officer in office on the effective date of this charter during the term for which he was elected or appointed

Section 410 The controller shall make and file reports with the board of commissioners from time to time relating to the efficiency and effectiveness of the service in any office department bureau or board of the consolidated city and the necessity therefor and shall include in said report such suggestions and recommendations relating to betterment thereof as he may deem best for the public service

Section 411 For the purposes of his office the controller may administer oaths summon witnesses and order the production of relevant books and papers from any office bureau department board division or employe of the consolidated city If any person refuses or neglects to obey such summons or order or neglects or refuses to answer a proper question addressed to him by the controller in the course of any hearing the controller may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books and papers demanded and to answer any proper question or questions If the said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall issue the same forthwith

Section 412 The controller shall have except as otherwise provided in this charter the powers and duties of the controller of the County of Allegheny as the same shall be on the date of adoption of this charter No money shall be drawn from the treasury of the consolidated city except by warrant countersigned by the controller and he shall countersign no warrant until he has satisfied himself that the claim to pay which the warrant is drawn represents a legal obligation of the consolidated city He shall keep in his office such records and accounts of the financial transactions of the consolidated city as will enable him promptly and accurately to perform this duty He shall have access at all times for himself or for any person designated by him to books records and cash in the offices of the director of finance treasurer and all other officers keeping accounts or handling money on behalf of the consolidated city He shall have power to inquire into all contracts including the performance thereof and all other proceedings involving the expenditure of public funds to which the consolidated city is a party and the official financial transactions of all officers and employes of the consolidated city He shall have the power to employ such expert accountants and other agents as he may deem necessary to carry out his powers of investigation and for this purpose the board of commissioners shall annually appropriate a sum of not less than fifty thousand dollars for the expenses of his office The controller may appoint a person learned in the law to act as his solicitor and as such to advise him upon all such legal matters as may be submitted to him and to conduct such litigation as may from time to time be desired by the controller He shall hold office at the pleasure of the controller and shall receive such compensation as shall be fixed by the controller provided however that the same shall not exceed the sum of six thousand dollars per annum

ARTICLE V

ELECTIONS

Section 501 The board of commissioners of the consolidated city shall have all the powers and duties relative to elections now or hereafter conferred or imposed by law upon boards of county commissioners of counties of the second class

Section 502 A regular municipal election shall be held on the first Tuesday after the first Monday in November of every odd numbered year At such election there shall be chosen such elective officers of the consolidated city as are provided in this charter and the elective officers of the cities boroughs and townships being municipal divisions thereof in accordance with the laws of the state applicable to the same respectively Nominations for all officers for the consolidated city to be elected under the provisions of this charter and the municipal divisions thereof shall be made as provided by the general laws of the state and all primary elections and other elections including special elections shall be conducted

in all respects as provided in said laws unless otherwise expressly provided in this charter

Section 503 Special elections called by the board of commissioners shall be held in such cases as are provided by this charter or by the laws of the state Special elections in municipal divisions shall be held when and as provided by the laws of the state applicable to each of them respectively and as provided herein

Section 504 It is the legislative intent and the intent of the electors expressed by their approval of this charter when and if the same is hereafter adopted that the benefits of changes and improvements in the laws governing elections made from time to time by virtue of constitutional amendment or revision or otherwise shall be forthwith made available to the electors of the consolidated city and to this end it is hereby provided that in the event that a proper system of elections by proportional representation or any other substantial change or modification in the conduct of elections is hereafter provided for by constitutional amendment revision or otherwise that the board of commissioners of the consolidated city shall as soon as practicable thereafter submit to the electors of the consolidated city a practicable and equitable plan for the application of said principles to the election of elective officers of the consolidated city the question to be submitted and voted upon at a general or special election as may be determined by the board of commissioners

Section 505 The districts of which the several members of the boards of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as follows

District number one shall consist of that portion of the present city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number two shall consist of that portion of the present city of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number three shall consist of that portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River This district shall not include any municipality wholly surrounded by the city of Pittsburgh but any such municipality shall be considered a portion of district number six as hereinafter provided

District number four shall consist of all that portion of the present County of Allegheny exclusive of any portion of the city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number five shall consist of all that portion of the County of Allegheny exclusive of any portion of the present City of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number six shall consist of all that portion of the County of Allegheny exclusive of any portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River and shall include any borough which is now or may hereafter be wholly surrounded by the present city of Pittsburgh

ARTICLE VI

PUBLIC ADMINISTRATOR AND ADMINISTRATIVE SERVICE

Section 601 The executive direction and management of the administration of the consolidated city shall be except as otherwise provided in this charter in the sole control of the public administrator It shall be his duty to see that the laws of the United States of the state and the ordinances and resolutions of the consolidated city are faithfully executed He shall present to the board of commissioners annually as provided in Article III hereof a budget of the estimated revenues and expenditures for the ensuing year and in every way promote business efficiency and economy in the administration of the consolidated city and in the departments thereof

Section 602 As soon as practicable after the organization of any board of commissioners pursuant to the provisions of Article III hereof the said board of commissioners shall appoint a competent qualified person to the office of public administrator of the consolidated city No person shall be eligible for appointment to this office unless at the time of his appointment he shall have been a resident of Allegheny County at least five years immediately preceding his appointment The term of office of said public administrator shall be for the period of four years commencing on the first day of January following his appointment The annual compensation of the public administrator shall be as provided from time to time by the board of commissioners by ordinance Provided however that the rate of compensation of the public administrator shall not be diminished during the term of office for which he has been appointed

Section 603 The public administrator may be removed from office for assigned cause in the following manner the president of the board of commissioners shall notify him in writing of the proposal to remove him from office stating the specific grounds for such removal which shall include gross and wilful negligence incompetency or inefficiency in office or the wilful and corrupt demanding taking or receiving of any fee or reward for the performance of any such official duties other than the annual compensation provided for his office The proposal for removal shall be final unless the public administrator within a period of five days after notice of the proposal to remove him from office shall file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which must be granted him He shall have the right at such hearing to be represented by counsel After such hearing the board of commissioners shall vote upon the question of removal provided however that no order of removal shall be effective unless the same receives the affirmative votes of two-thirds of the board of commissioners

Section 604 The public administrator shall have the power to appoint and remove from office the employes of his own office and by and with the consent of the board of commissioners he shall appoint the heads of all departments of the administrative service of the consolidated city and such other officers employes and boards as this charter may provide Any officer or member of a board appointed by the public administrator as aforesaid may be removed for assigned cause in the following manner the public administrator shall first notify in writing the person to be removed of the proposal to remove him stating the specific grounds for such removal Notice by registered mail to his last known address of the person to be removed shall be sufficient for the purposes of this section The order of removal shall thereupon become final unless the person so notified shall within five days file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which request shall be granted He shall nave the right at such hearing to be represented by counsel After such hearing the proposal of removal shall become effective and he shall be deemed to have been removed from office unless the board of commissioners by a two-thirds vote shall otherwise determine

Section 605 The public administrator shall have the power of direction and control acting through the directors of the several departments over all officers and employes of the administrative service of the consolidated city He may at any time inquire into the conduct of any department board office or service of any officer member or employe thereof

Section 606 The administrative service of the consolidated city shall include the following departments finance health safety public works welfare parks and recreation planning personnel law personal property and supplies and such other departments divisions and bureaus as the board of commissioners may by ordinance from time to time provide The Board of Commissioners may by ordinance assign and reassign among the departments divisions bureaus offices functions and services of the consolidated city except as the same are specifically assigned by this charter

Section 607 Except as otherwise specifically provided in this charter the directors of departments shall have the power to appoint the other officers and employes thereof subject to the provisions of Article XIV In all cases the appointing officer shall have power to remove from office

or to discipline by fine suspension or demotion any officer or employe appointed by him upon furnishing the said officer or employe with a statement in writing of the grounds of the removal or disciplinary action Notice by regisftered mail to the last known address of the persons so to be removed or disciplined shall be sufficient for the purpose of this section The order of removal or discipline thereupon shall become final unless within five days the officer or employe requests the opportunity to be heard by the director of the department or other officer making the order of removal or disciplinary action The hearing shall be private as the person to be removed or disciplined may request He shall have the right at such hearing to be represented by counsel After such hearing the officer making the order of removal or disclipinary action shall confirm the said order or revoke or modify the same in his discretion

At any hearing held upon a proposed removal or disclipinary action a stenographic record of the proceedings shall be taken at the cost of the department involved Within five days after an order of removal or discipline as decided by the head of the department becomes final the person so removed or disciplined may file an appeal in writing in the office of the public administrator setting forth any errors complained of in the decision of the department head in connection with his removal or discipline whereupon the office of the public administrator shall notify the department head of the taking of the appeal and the department head shall forthwith cause to be transcribed and filed with the public administrator the stenographic record of the proceedings so held by him for the removal or discipline of the appealing party The public administrator shall then as soon as practicable review the record and order such further hearings thereon as he deems advisable and the order of the public administrator confirming modifying or revoking the proceedings shall be final without appeal by either party

Section 608 All persons who in accordance with the terms of this charter are appointed for fixed terms shall continue to exercise the functions of their several offices until their successors are appointed and qualified and all persons appointed to fill vacancies in such offices shall be appointed for the unexpired period or term unless otherwise expressly provided in this charter

Section 609 It is the purpose and intent of this charter that no person shall be removed from office or disciplined by fine suspension demotion or otherwise by reason of his affiliation with any political party or organization nor shall any officer department head or employe of the consolidated city hold any office in any political party organization or engage in political activity during the term of his office or employment in the consolidated city

Section 610 It shall be the duty of each department of the consolidated city to keep and maintain a continual and perpetual inventory of all property real and personal within its supervision or control The forms for such inventories shall be prescribed from time to time by the director of finance subject to approval of the controller The inventory shall be so kept and maintained that it shall at all times show the cost rate of depreciation and present depreciated value of all lands buildings equipment facilities and property within the department together with a description of the same and the location of the same In the case of supplies and equipment the inventory forms shall show the name of the manufacturer factory serial numbers the name of the person firm or corporation from whom purchased the model type size estimated life and installation cost of the same the amount of insurance carried thereon and rate of insurance the date ordered the quantities received unit prices quantities issued requisition serial numbers and quantity on hand together with such other pertinent information regarding the same as may be prescribed from time to time by the director of finance In the case of buildings and structures the nature and composition of the same shall be set forth together with classification for heavy or light use as the case may be

In event of a difference of opinion between the director of finance and the controller as to forms the decision of the chairman of the board of commissioners shall be final

ARTICLE VII

DEPARTMENT OF FINANCE

Section 701 There shall be a director of finance who shall be the head of the department of finance He shall have administrative charge of the financial affairs of the consolidated city including the keeping or supervision of all accounts except those of the controller Except as otherwise provided in this charter he shall appoint the officers and employes of the department subject to the provisions of Article XIV

Section 702 The director of finance shall have power to prescribe the nature and forms of all accounts to be kept in the department of finance and by all officers and employes of the consolidated city subject to the approval of the controller and the times when and the manner in which all officers and employes receiving money for the use of the consolidated city shall pay the same into the treasury

Section 703 In the department of finance there shall be a division of accounts under the immediate charge of the director of finance in which shall be kept the general accounts of the consolidated city These accounts shall be adequate to record in detail the value and custodianship of all property of the consolidated city and all transactions relating thereto and the financial transactions of the consolidated city in such manner as to show in addition to the receipts and disbursements the accruals of revenue and the incurring of obligations in relationship to each fund and appropriation There shall be an appropriation ledger in which each appropriation shall be set up as in the appropriation ordinance and it shall be the duty of the director of finance to encumber each such appropriation with the amount of each order contract or other obligation before the order is placed or obligation incurred Separate accounts shall be kept of all financial transactions relating to current operations including outlays from bond issues condemnation proceedings financing of works in special districts and the principal and interest on the bonded indebtedness of the consolidated city

Section 704 The director of finance shall prepare and submit to the board of commissioners not later than the twentieth day of each month a summary statement of revenues and expenses of the previous month detailed as to appropriations and funds in such manner as to show the exact financial condition of the consolidated city and of each appropriation and fund as of the last day of the previous month This statement shall be made available in pamphlet form for distribution to the public upon request without charge

Section 705 No money shall be drawn from the treasury of the consolidated city nor shall any obligation for the expenditure of money be incurred except in accordance with an appropriation by the board of commissioners At the close of the fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall forthwith be available for reappropriation by the board of commissioners

Section 706 No contract agreement or other obligation involving the expenditure of money out of appropriations made by the board of commissioners shall be entered into nor shall any order for such expenditure be valid unless the director of finance shall first certify that there is an unencumbered balance in the appropriation account to be thus charged therewith sufficient to meet the obligation thus created Nothing in this section or in the preceding sections shall be taken to prevent the consolidated city from entering into obligations for more than one year and not exceeding ten years and for the payment thereof from current revenues from year to year

Section 707 was read as follows:

Section 707 At the close of each fiscal year the public administrator shall appoint one or more certified public accountants approved by the board of commissioners to audit the accounts of the consolidated city and all officers and employes thereof Such accountant or accountants shall have access to all books records and accounts of the consolidated city Upon the completion of said audit an

abstract of the same shall forthwith be made available in pamphlet form for distribution to the public upon request without charge

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 707, page 57, line 9, by inserting after the word "an" the following: informative

Amend Section 707, page 57, line 10, by inserting after the word "shall" the following: be published once in the manner provided in section one hundred and ten of this act and shall also

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 708 to 717, inclusive were separately read and agreed to as follows:

Section 708 No claim against the treasurer of the consolidated city shall be paid except by means of a warrant issued by the director of finance and signed by the director of finance or his authorized deputy and countersigned by the controller or his authorized deputy No such warrant shall be issued to pay a claim for goods delivered unless the receipt of the goods for which the claim is made is certified by the purchasing agent and the officer and employe accepting delivery of the same on behalf of the consolidated city No warrant shall be issued for the payment of any wages or salary other than the compensation of elective officers except upon the basis of a payroll or pay voucher certified by the department for which the service has been rendered and by the director of the department of personnel No warrant shall be issued for the payment of the whole or part of the obligation of any contract for public work or for contractual services until the performance of such part of the contract as entitled the claimant to receive the same has been certified by the head of the department under the direction of which the work or service is performed The director of finance may require such additional evidence of the validity of any claim and conduct such investigation with regard thereto as he may deem necessary For this purpose he shall have access at all reasonable times for himself or for any person designated by him to books records and cash in the offices of the treasurer and of all other offices keeping accounts or handling money on behalf of the consolidated city pertinent to said investigation In connection therewith he may summon witnesses administer oaths and order the production of relevant books records and papers If any person fails to observe such summons or order or refuses to answer a proper question addressed to him by the director of finance in the course of any hearing the said director of finance may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books records and papers demanded and to answer any question or questions If said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall thereupon issue the same

Section 709 In the department of finance there shall be a division of the treasury at the head of which there shall be the treasurer of the consolidated city The treasurer shall appoint all officers and employes of this division subject to the provisions of Article XIV section fourteen hundred ten (1410) It shall be the duty of the treasurer to collect all assessments and taxes due the consolidated city including delinquent taxes and the office of the delinquent tax collector for Allegheny County is hereby abolished as of the effective date of this Charter Annually and prior to the date when taxes are payable in advance the treasurer shall mail to each taxpayer a tax bill setting forth in detail such data relating thereto as may be prescribed from time to time by the board of commissioners This provision is directory only and not mandatory and the failure to mail any such bill shall not invalidate the levy of any tax or any proceedings based upon such levy The treasurer shall for the convenience of the public arrange with banking or other institutions located throughout the consolidated city for the receiving and turning over to the said treasurer of tax payments No such arrangement shall be valid or effective until the same has been approved by the board of commissioners and an ordinance adopted authorizing the treasurer to make such arrangements

Section 710 Upon the effective date of this Charter all taxes of the consolidated city shall be payable in advance during the months of April May and June of each year Each taxpayer shall have the option to elect to pay said taxes quarterly or monthly A taxpayer electing to pay his taxes quarterly or monthly shall so advise the treasurer in writing on or before the thirtieth day of April of any year at the same time paying the first quarterly or monthly payment as the case may be With respect to quarterly payments the second payment shall be made during the month of July the third during the month of October and the fourth during the month of January and each of said quarterly payments shall become delinquent on the first day of each succeeding month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes. With the exception of the first monthly payment for the month of April above mentioned all monthly payments of taxes shall be made on or before the tenth day of each month and each of the same shall become delinquent on the eleventh day of each respective month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes

A discount of five precent shall be allowed on all yearly taxes paid in full during the months of April May and June and during the month of July all taxes shall be payable at face No discount shall be allowed on taxes paid under the quarterly or monthly option Taxes and installments thereof not paid at the times fixed for the payment of the same shall be deemed delinquent and two percent of the total amount of said taxes or installment shall forthwith be added thereto as a penalty for the non-payment thereof at the times prescribed and in addition to said penalty said delinquent taxes shall bear interest at the rate of one-half of one percent per month on the face amount of said delinquent taxes or installments thereof for each and every month that the same shall remain delinquent or unpaid

Section 711 It shall be the duty of the treasurer to keep safely the moneys of the consolidated city and to pay out the same only on warrants issued and countersigned as hereinbefore provided The treasurer shall keep the public funds in such banks or banking institutions as the board of commissioners may from time to time by resolution prescribe and approve and under such terms conditions restrictions and safeguards as the said board of commissioners shall from time to time provide No treasurer complying with the provisions of this section and of any ordinance of the consolidated city pursuant thereto nor his surety or sureties shall be chargeable with losses of funds of the consolidated city caused by the insolvency or negligence of any such depositary The deposit of funds in an approved bank or banking institution shall be at the best rate of interest obtainable by seeking competitive bids therefor and all interest earned thereon from time to time shall accrue to the benefit of the consolidated city No security for the deposit of such moneys shall be approved by the board of commissioners unless it shall be to the full extent of the moneys deposited or to be deposited and unless the surety be a corporation authorized to transact business in the state of Pennsylvania provided however that securities of the United States of the state of Pennsylvania and/or municipal divisions thereof in kind and amount approved by the board of commissioners may be deposited with the treasurer in lieu of a corporate surety bond

Section 712 There shall be a division of assessment

the head of which shall be the assessor of the consolidated city He shall be appointed by the public administration subject to the approval of the board of commissioners as provided in Article VI and shall assess as hereinafter provided all property offices professions and persons within the consolidated city for taxation by the consolidated city and all the municipal divisions and school districts thereof The division of assessment of the consolidated city shall have all the powers and duties of the board for the assessment and the revision of taxes of Allegheny County and of subordinate assessors as the same shall be at the time of the adoption of this charter and except as the same are inconsistent with the terms of this charter and/or any ordinance of the board of commissioners adopted in accordance therewith The assessor shall appoint all assistant assessors and employes of this division subject to the provisions of Article XIV and in addition to the assessment of property offices professions and persons for taxation shall perform such duties as are provided by this charter or by any ordinance not inconsistent therewith

Section 713 The said assessor shall be assisted in the performance of his duties by the said assistant assessors who shall be assigned to assess property offices professions and persons for taxation within the several municipal divisions of the consolidated city In municipal divisions in which on the effective date of this charter there shall be assessors or boards of assessment whose terms of office shall not have expired then the duties of the said assistant assessors shall be performed within the limits of said municipal divisions by the said assessors or boards of assessment of each respective municipal division until the expiration of their respective terms of office and upon the expiration of the term of office of any assessor or board of assessment in any of said municipal divisions the office of said assessors and of the said boards of assessment shall be abolished and be no longer in effect and from and after such date the assessment of property offices professions and persons for taxation therein shall be performed by the assessor of the consolidated city and the assistant assessors thereof as aforesaid

It shall be the duty of the assistant assessors to value all property offices professions and persons for such taxation therein by the respective municipal divisions and by the consolidated city as is in accordance with the general laws of the state in the manner and within the time prescribed by the assessor of the consolidated city The instructions of the assessor of the consolidated city to the assistant assessors shall provide amoung other things for (a) the valuation of land buildings and machinery each item being stated separately (b) the recognition of each separate factor of value and unit of quantity (c) uniform rules for the calculation of the value of lots of irregular shape or corner lots and of lots of abnormal depth or shallowness (d) the use of current statistics of sales and the prices of labor and commodities (e) rules for estimating the effect of appreciation depreciation and obsolescence (f) rules in aid of sound judgment in estimating the effect of irregularity of topography lack of economic utility and other unusual influences including use access and availability (g) rules for estimating the value of various types and sizes of buildings

Upon the basis of the valuations furnished by the assistant assessors the assessor of the consolidated city shall in the exercise of his sound judgment and in accordance with the principles of valuation hereinabove set forth triennially assess for appropriate taxation all property offices professions and persons within the consolidated city and record the same upon the assessment roll and upon the tax maps and land value maps hereinafter referred to which roll and maps shall be open to public inspection at the office of said assessor between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any business day provided that between triennial assessments the assessor may revise any assessments or revaluation in the manner now provided by law applicable to the present board of assessment and revision of taxes of the County of Allegheny The assessment roll for each year shall be compiled and turned over to the board of assessment appeal on or before the first Monday of October of each respective year

Section 714 The assessor shall maintain a system of tax maps and land value maps and shall record separately each parcel of land the value of any building or other improvement thereon The tax maps shall show the dimensions of each separately assessed parcel of land and the land value maps shall show the value per front foot according to a standard unit of depth of all land abutting on any street public way or place within the consolidated city but as to farm land and other lands not sub-divided into lots less than one acre in size the land value maps shall show the value per acre All such maps and other records of the assessor shall be open to public inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon

Section 715 There is hereby established a board of assessment appeal consisting of three members Said board shall be appointed by the board of Commissioners for a term of six years commencing the first Monday of January following the year in which this charter shall be adopted No person shall be eligible to such appointment who at the time thereof shall not have been a resident of the consolidated city for a period of five years The said board of assessment appeals shall hear in accordance with such reasonable rules as it may prescribe from time to time all persons aggrieved by any assessment and shall have full power to confirm and correct adjust and equalize assessments as between individual parcels of property and as between municipal divisions Appeals may be taken from the board of assessment appeal to the court of common pleas of Allegheny County in the manner and form now provided by law for appeals from tax assessments of the board of assessment and revision of taxes of the County of Allegheny

Section 716 On the first Monday of January of each year or at any other time as may be necessary for the purpose of levying taxes the board of assessment appeal shall certify to the appropriate officer of each municipal division and school district a copy of the assessment roll for that municipal division or district as corrected adjusted and equalized Such assessment roll shall furnish the valuation of all properties subject to taxation in such municipal division and school district in appropriate form and detail Nothing in this charter shall in any way be taken to repeal affect or modify any law of the state now in force providing for a separate and different rate of taxation in any municipal division or district upon land improvements or machinery or any exemption or reduction pertaining thereto

Section 717 Except as otherwise provided in this charter the laws of the state relative to the assessment and collection of taxes shall remain in full force and effect in the consolidated city and each municipal division thereof

Section 718 was read as follows:

Section 718 Whenever the electors of the consolidated city shall have consented to an increase of indebtedness exceeding two percent upon the last preceding assessed valuation of the taxable property therein the board of commissioners may for the purpose of financing any work or improvement for which such increase of indebtedness has been authorized issue short-term notes which shall be chargeable to the said increase of indebtedness and paid for from the sale of securities issued in pursuance of such authorization provided however that the said short-term notes shall not be issued for a term longer than three years shall be sold to the highest bidder at not less than par and accrued interest and the terms of maturity of said notes and securities shall not in the aggregate exceed thirty years

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 718, page 68, line 6, by inserting after

the word "years" the following: "and after notice of the sale has been published twice in accord with the provisions of section one hundred and ten of this act"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

Sections 719 and 720, and sections 801 to 809, inclusive, were separately read and agreed to as follows:

Section 719 It shall be the duty of all persons copartnerships and corporations furnishing materials supplies or services to the consolidated city or any department division or office thereof to keep and preserve all records pertaining thereto for a period of not less than six years from the date of the furnishing thereof except records of services rendered by public service companies where they are permitted by any state or federal law or by any proper state or federal commission or similar body to destroy such records within a shorter period Any person copartnership or corporation violating the provisions of this section shall be guilty of misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars or imprisonment for not exceeding one year or both in the discretion of the court

Section 720 Any officer department head or employe of the consolidated city having in his possession custody or control any books documents or records of the consolidated city or having the responsibility therefor who shall neglect or fail to keep or cause to be kept the same in good condition and available for public inspection at all reasonable times during any business day shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine not exceeding one thousand dollars or imprisonment for a period not exceeding one year or both in the discretion of the court

ARTICLE VIII

DEPARTMENT OF HEALTH

Section 801 There shall be a department of health which shall have all the rights and perform all the duties and obligations imposed by this charter and by the laws of the state upon health officers and boards of health and as may be conferred upon it from time to time by ordinance

Section 802 There shall be a director of health who shall be a doctor of medicine licensed to practice in the state of Pennsylvania and having not less than fifteen years of active practice or a person having a degree of doctor of medicine and also the degree of doctor of public health and having had not less than five years experience in the active practice of his said profession He shall be the executive head of the department and shall have power to appoint all other officers and employes of the department subject to the provisions of Article XIV

Section 803 The said department of health shall have power to make and enforce all necessary orders and regulations in addition to and not in conflict with the laws of the state or the ordinances of the consolidated city which it may deem necessary from time to time to protect the public health which orders and regulations may apply to the whole or any part of the consolidated city It shall have the power and duty to make and enforce all necessary orders and regulations for the proper enforcement of the laws of the commonwealth and the regulations of the state department of health relating to the conservation of health including the control of communicable diseases It shall have the power and duty to remove prevent and abate nuisances which it shall deem to be prejudicial to the public health It shall have the power and duty to regulate infected places by the separation of infected persons and persons who shall have been exposed to any communicable disease to mark infected houses or places to prescribe such orders and regulations as it shall deem necessary from time to time for the conservation of public health It shall have the power subject to the approval of the board of commissioners in case of the prevalence or apprehending prevalence of any communicable disease in the consolidated city to establish one or more emergency hospitals and to make provision for the maintenance and management of the same

Section 804 There shall be a health advisory board in the department of health consisting of the director of health and twelve other members The said twelve members shall serve without compensation and no other person shall be appointed to said board unless he is a doctor of medicine licensed to practice in the State of Pennsylvania having had not less than five years of active practice or a person having a degree of doctor of public health or a person experienced in municipal health activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in article six and each member shall be appointed for a term of six years Provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years beginning the first day of January following the appointment In making appointments to said board the appointments shall be so made that at all times there are as members thereof excluding the director of health six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents in each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman a vice chairman and secretary The director of health with the approval of the health advisory board shall from time to time recommend to the board of commissioners the adoption of ordinances to insure the effective carrying out of the orders and regulations of the department of health and the board of commissioners ma, enact ordinances pertaining thereto and may provide penalties for the violations of the provisions thereof not inconsistent w h the provisions of this article It shall be the duty of the health advisory board to keep itself informed of all the activities of the health department and to inspect quarterly health conditions and institutions which may be under the supervision of the department of health and to report its findings with regard thereto from time to time to the board of commissioners The director of health shall attend all meetings of the health advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 805 The department of health shall have the power to enforce its orders and regulations directly upon individuals corporations and properties in any municipal division It shall be the duty of all health authorities in the municipal divisions to conform to and enforce all valid ordinances of the commissioners of the consolidated city and all valid orders and regulations of the department of health of the consolidated city Whenever in the opinion of the director of the department of health there exist in any municipal division conditions which constitute a menace to the health of the residents beyond the limits of said municipal division or whenever it be known to the director of health that any municipal division having authority under law to have a health officer or board of health is without the services of the same or the same it not conducting his or its duties efficiently the said department shall have the power to enter and take full charge and administer the health laws regulations and ordinances affecting such municipal division and to continue in charge thereof until a competent and efficient health officer or board of health is qualified and ready to assume the direction of health therein and all expenses incurred by the department of health of the consolidated city in performing such duties under this section shall be the obligation

of the municipal division and when certified by the director of health to the governing body of the municipal division the said governing body shall appropriate a sum sufficient to pay the same Provided however that no charge shall be made for any services made in a municipal division not authorized by law to have a local health department or officer All sums received from any municipal division for administration of health therein under the provisions of this section shall be credited to the department of health and used exclusively for the promotion of health in the consolidated city

Section 806 Any municipal division may surrender to the consolidated city its powers and duties in relation to public health upon such terms and conditions as may be agreed upon and thereafter the department of health of the consolidated city shall assume exclusive direction and control of the direction of public health in said municipal division

Section 807 The department of health shall provide means for the conduct of such laboratory and statistical service as may be necessary for the protection of public health in the consolidated city Laboratories may be either maintained by the department of health or laboratory service may be contracted for by the said department with established laboratories approved by the director of health

Section 808 All examining centers clinics and hospitals established or maintained by the consolidated city shall be administered by the department of health except where the same are under the jurisdiction and supervision of the department of welfare as hereinafter provided

Section 809 Any person copartnership or corporation who shall fail neglect or refuse to comply with or who shall violate any of the provisions of this article or any order or regulation of the department of health or who shall obstruct or interfere with any person in the execution of the same shall be guilty of a misdemeanor and for every such offense shall upon conviction thereof be sentenced to pay a fine of not exceeding five hundred dollars to be paid to the consolidated city and costs of prosecution or to be imprisoned for a period of not more than six months or both in the discretion of the court

Sections 901 to 908, inclusive, Section 1001 to 1003, inclusive, Sections 1101 to 1107, inclusive, sections 1201 to 1208, inclusive, sections 1301 to 1308, inclusive, sections 1401 to 1413, inclusive, sections 1501 to 1506, inclusive, and section 1601, were separately read and agreed to as follows:

ARTICLE IX

DEPARTMENT OF SAFETY

Section 901 There shall be a department of safety at the head of which shall be the director of safety He shall have all the powers of a sheriff as defined in the laws of the state insofar as the same relate to the preservation of public peace and order He shall have the power to appoint all officers and employes of this department subject to the provisions of Article XIV

Section 902 There shall be a division of police at the head of which shall be a superintendent in which shall be organized the police force of the consolidated city This force shall comprise the consolidated city police The qualifications for admission shall be at least equivalent to those for admission to the Pennsylvania state police In addition no person shall be appointed an active member of the consolidated city police who shall not have been trained for a period of six months in the laws and ordinances relative to his duties and in methods of policing and shall not have completed an additional probationary period of fourth months During the training and probationary periods candidates for appointment to the consolidated city police may receive such compensation as may be determined by the board of commissioners The rules governing compensation promotion and discipline shall not be less strict than those of the Pennsylvania state police The consolidated city police shall have jurisdiction throughout the consolidated city including concurrent jurisdiction with municipal police in any municipal division which maintains a police department and the duty of patrolling through-traffic streets therein Members of this force or organized units thereof may be assigned in the discretion of the superintendent for duty in any municipal division at the request of the governing body thereof to serve under the direction of the mayor burgess or chairman of the board of township commissioners or supervisors upon its agreement to pay during the period of said assignment the full compensation including pension fund contribution if any of the portion of the force assigned to it and to assume all liabilities incident to the same extent as if the said assigned portion of the force were regular employes of the municipal division concerned Any such assignment may be terminated at any time by the superintendent If any municipal division pursuant to Article XVIII section eighteen hundred three shall surrender to the consolidated city its powers relating to police the personnel of the police force of such municipal division at the time of such surrender shall be transferred to the consolidated city police subject to Article XIV and the superintendent of the consolidated city police shall thereupon assume control and direction of police in such division Such surrender shall not be complete nor accepted by the board of commissioners of the consolidated city unless the municipal division shall agree with the said board of Commissioners upon the amount and method of payment to the consolidated city of a contribution by the municipal division sufficient to pay the actual cost of policing such municipal division It shall be the duty of the police authorities of every municipal division to report forthwith to the division of police of the consolidated city all crimes and misdemeanors committed within the said jurisdiction in such form as may be prescribed from time to time by the director of safety and together with such information thereon as may be obtained from time to time by the said police authorities of the municipal divisions

Section 903 There shall be a division of crime detection at the head of which shall be a superintendent This division shall include the consolidated city detective bureau to which bureau is hereby transferred the personnel of what is now known as the county detective bureau subject to Article XIV Any municipal division which pursuant to Article XVIII Section eighteen hundred three shall surrender to the consolidated city its powers in relation to the detection of crime shall likewise have the personnel of its detective bureau transferred to the consolidated city detective bureau subject to Article XIV No person shall be appointed to the consolidated city detective bureau who shall not have been trained for a period of six months in the laws and ordinances relating to his duties and in methods of detection apprehension and identification of criminals and shall not have completed an additional probationary period of four months In the case of persons appointed to the detective bureau from the consolidated city police the period of training and probation may be dispensed with in the discretion of the superintendent During the training and probationary periods candidates for the consolidated city detective bureau may receive such compensation as the board of commissioners may determine The jurisdiction of the consolidated city detective bureau shall be co-extensive with the consolidated city and as further provided by law There shall be maintained in this bureau all the necessary facilities and records for the apprehension and identification of criminals and the detection of crime includng laboratories and scientific apparatus appropriate for said purposes This bureau shall also keep complete records of all offenses reported to it or to the consolidated city police or to any organized unit thereof assigned for service in any municipal division and it shall be the duty of the superintendent to see that these records are maintained The services of the consolidated city detective bureau shall be available to the police department of any municipal division upon request

The district attorney may from time to time in writing request the services of a stated number of said detectives for the purposes of investigating and endeavoring to obtain such evidence as may be required by him in any criminal case and to perform such other duties as the district attorney may direct pertinent to the work of the district attorney's office and upon the termination of the work for which any detective has been so requisitioned the said detective shall return to the general service under the superintendent of the division of crime detection

Section 904 There shall be established in the department of safety a division of traffic control with such technical staff as may be determined by the board of commissioners The board of commissioners may vest in the said division the execution of any or all of the powers of the consolidated city with regard to the control of traffic

Section 905 There shall be a consolidated city traffic commission consisting of twelve persons appointed by the public administrator and approved by the board of commissioners as provided in Article VI and of the following persons ex officio the president of the board of commissioners the directors of the departments of safety public works law and planning and the heads of the several bureaus of traffic division The members of the traffic commission shall serve without compensation The appointed members shall be appointed for a term of four years beginning the first Monday of January of the year following the adoption of this charter The duties of the traffic commission shall be to advise the board of commissioners the administrative departments of the consolidated city and the governing bodies of the several municipal divisons always subject to the powers of the planning commission with regard to street rearrangement and use of the best methods for the administration of street traffic regulations and of the improvements and changes both legislative and administrative requisite for the reduction of street traffic accidents the relief of traffic congestion and the improvement of traffic conditions

Section 906 It shall be the duty of the director of safety to report quarterly to the board of commissioners a statistical summary of all complaints received by his department the arrests informations summonses and notices of violations made or issued by or through the initiative of his department with respect to all offenses including traffic offenses together with the disposition of the same All cases not finally disposed of in the quarter in which they originated shall be accounted for in a separate section of each succeeding report until finally disposed of These reports shall be open to public inspection

Section 907 There shall be a division of inspection at the head of which shall be a superintendent to have charge of enforcing regulations with regard to the production or emission of smoke and the construction of chimneys stacks flues smoke-pipes and ventilators and of all other duties of an inspectional nature devolving upon the consolidated city or any officer or employe thereof and which are not conferred upon other administrative departments or divisions by the terms of this charter The board of commissioners may authorize this division to inspect building construction and to cooperate with the authorities of the municipal divisions in securing the enforcement of laws and ordinances relating to building construction and make recommendations with regard thereto

Section 908 There shall be a division of fire prevention at the head of which shall be a superintendent to be charged with the duty concurrently with the fire departments of the municipal divisions of inspecting premises within the consolidated city for the purpose of securing the enforcement of laws and ordinances relating to the prevention of fire including all the powers and duties now possessed by the fire marshal of Allegheny County which office is hereby abolished

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

Section 1001 There shall be a department of public works which shall exercise such powers and duties relating to public works of every kind of the consolidated city as may be determined by ordinance from time to time by the board of commissioners The term "works" wherever used in this article shall be taken to mean buildings improvements roads and structures constructed erected maintained or operated by the consolidated city of whatsoever kind or nature except works under the jurisdiction of the Department of Parks and Recreation and shall include all public buildings and improvements of every kind and purpose which the county of Allegheny may be authorized to construct erect operate or maintain at the date of the adoption of this charter

Section 1002 There shall be a director of public works who shall be the head of the department of public works No person shall be eligible for appointment to the office of director of the department of public works who at the time of his appointment is not a registered civil engineer with at least ten years prefessional experience He shall have the power to appoint all the other officers and employes of the department subject to the provisions of Article XIV After the expiration of the terms of office of the County Surveyor and county engineer of the County of Allegheny respectively in office on the date when this charter shall take effect the director of said department shall thereafter have all the rights and powers and perform all the duties at present vested by law in the present surveyor and engineer and from and after that date the offices of county surveyor and county engineer insofar as the same pertain to the county of Allegheny are hereby abolished and the rights powers and duties thereof shall thereafter be exercised by the director of the department of public works

Section 1003 The organization of the said department of public works shall be determined by the board of commissioners from time to time by ordinance as provided in section three hundred twenty-three (323) of Article III Provided however that the organization of the department of highways bridges and tunnels of the county of Allegheny and the organization of any other department board or bureau insofar as any of its powers or duties are vested by this charter in the department of public works as the same shall exist on the effective date of this charter shall continue to be a temporary part of the organization of the department of public works until changed by proper action under the provisions of this charter

ARTICLE XI

DEPARTMENT OF WELFARE

Section 1101 There shall be a department of welfare which shall have full charge and direction of public welfare activities of the consolidated city It shall have among other things all the rights powers and duties at present vested in the directors of the poor of the County of Allegheny and in the department of welfare of the present city of Pittsburgh except as otherwise provided in this charter

Section 1102 There shall be a director of welfare who shall be the head of the department of welfare and except as otherwise provided in this article shall appoint all officers and employes of the department subject however to the provisions of Article XIV No person shall be appointed director of welfare who has not had training and experience in social work and in the administration of a social welfare agency or of a public welfare board or bureau

Section 1103 There shall be a welfare advisory board in the department of welfare consisting of the director of welfare and twelve other members The said twelve members shall serve without compensation No person shall be appointed to said board who holds any public office and who is not a person experienced in business civic and social welfare activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in Article VI and each member shall be appointed for a term of six years provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years In making appointments to said board the appointments shall so be made that at all times there are as members thereon excluding the director of welfare six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents of each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same

manner as the original appointment The said board shall choose from its own members a chairman vice-chairman and a secretary The director of welfare with the approval of the welfare advisory board shall recommend to the department of personnel the minimum qualifications of all officers and employes of the department provided however that in all cases the heads of all divisions boards or bureaus of said department shall be persons experienced and trained in social welfare work The board shall be charged with the organization and development of the physical facilities for welfare work It shall be its duty to recommend to the board of commissioners the acquisition of lands and buildings and the erection remodeling and equipment of buildings by the consolidated city for welfare purposes It shall further be the duty of the board to keep itself informed of all the activities of the welfare department and to inspect quarterly the several institutions and services of the said department and to report its findings with regard thereto at least twice in each year to the board of commissioners The director of welfare shall attend all meetings of the welfare advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 1104 The organization of the department of welfare shall be determined from time to time by the board of commissioners by ordinance No ordinance relating to the organization or changing the organization of said department shall be adopted except in the form proposed by the director of welfare and bearing the approval of the welfare advisory board and the public administrator In organizing and changing the organization of said department from time to time there shall be created such divisions departments and bureaus within the department as shall be deemed advisable for the proper discharge of the duties of said department

Section 1105 The department of welfare shall have in addition to the powers and duties heretofore imposed upon it by this charter the following specific powers and duties

(a) To provide relief or services needed by poor dependent or indigent individuals or families in their own homes whatever the cause of their dependency securing or providing specialized service in the nature of medical care mental hygiene treatment occupational adjustment and similar services when in the opinion of the director the same is a necessary part of the protection and relief of the said individuals or families

(b) To provide adults and children with needed maintenance and service whether medical social occupational or otherwise including placement and supervision whether in foster homes or in institutions where such placement is voluntary on the part of the individual or of the families or of such person or persons who may have legal custody or guardianship of such individuals

(c) To investigate complaints of neglect abuse or cruelty to children and conditions in any municipal division promoting child neglect and to institute appropriate action in the proper court or courts for the protection of any child or children the subject of any negligence abuse or cruelty and in cooperation with the juvenile court of Allegheny County to take such action as may be deemed necessary to abate any conditions in any municipal division which tend to cause child neglect or child delinquency

(d) To provide such care in institutions or foster homes as may be necessary for such persons as may by an order of a proper court of the County of Allegheny be committed to the care of the department of welfare

(e) To erect construct maintain and operate subject to the approval of the board of commissioners such institutions as may be necessary from time to time for the care of any persons coming within the jurisdiction of the department and to provide such care in institutions maintained by any public municipal or private corporation or by any person or association

(f) To administer the expenditure of moneys received by the consolidated city from the United States the state or any municipal division or bureau thereof and to administer any moneys received by virtue of any order of court or by gift devise or bequest provided however that said moneys are so received for purposes within the scope of the powers and duties of the department This power shall include the administration within the consolidated city of the mothers' assistance fund the old age assistance fund and the pension fund for the blind

(g) To conduct research on social needs problems conditions and resources within the consolidated city and from time to time to recommend to the board of commissioners such rules regulations and ordinances as are designed to abate or ameliorate conditions promoting dependency delinquency or neglect

(h) To provide such other and additional service for the welfare of the citizens of the consolidated city as may be necessary or advisable from time to time or such as may be conferred upon it by ordinance or by this charter and generally to cooperate so far as possible with the administration of similar service by federal state or municipal officers and agencies

Section 1106 The organization of the office of the directors of the poor of the County of Allegheny and of the department of welfare of the present City of Pittsburgh as the same may be on the effective date of this charter shall continue for a period of not more than six months to be a temporary part of the organization of the department of welfare of the consolidated city It is the intent and purpose of this article that the organization of the department of welfare as provided in section eleven hundred four hereof shall be completed within not more than six months after the effective date of this charter and that until so organized the said offices of the directors of the poor and of the department of welfare of present city of Pittsburgh shall continue to function It is further the intent and purpose of this article that in the organization of the department of welfare of the consolidated city pursuant to the terms hereof that in all cases persons in the employ of the said offices of the directors of the poor of the County of Allegheny or of the department of welfare of the present city of Pittsburgh shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of welfare of the consolidated city

Section 1107 The directors of the poor of the County of Allegheny in office on the effective date of this charter shall continue in the service of the consolidated city until the expiration of the terms for which they were elected and shall perform such duties in connection with the department of welfare as may be assigned to them by the director of welfare and during the remainder of their terms of office they shall continue to receive the same compensation as if this charter had not been adopted

ARTICLE XII

DEPARTMENT OF PARKS AND RECREATION

Section 1201 There shall be a department of parks and recreation which shall have supervision and control of all parks and recreation facilities of the consolidated city The term "parks and recreation facilities" shall be construed to include all parks playgrounds athletic fields community centers swimming pools and other recreational athletic or cultural facilities owned controlled or operated by the consolidated city

Section 1202 There shall be a director of parks and recreation who shall be the head of the department of parks and recreation and except as otherwise provided in this article shall be in charge of the activities of the department He shall have the power to appoint subject to the provisions of section twelve hundred five of this article and of Article XIV all of the officers and employes of the department and such landscape architects registered architects and registered engineers as may be advisable He shall be appointed by the public administrator and approved by the board of commissioners as provided in Article VI hereof

Section 1203 There shall be a park and recreation advisory board consisting of the director of parks and twelve other members Said twelve members shall serve without compensation for a term of six years from the first day of January following their appointment provided however

that the first appointments to said board shall be made in the following manner four members for a term of two years four for a term of four years and four for a term of six years and thereafter appointments shall be made for the term of six years Appointments shall be made in such manner that at all times there shall be on said board exclusive of the director of parks and recreation six members resident within the limits of the present city of Pittsburgh and six members residing in the consolidated city but outside the limits of the present city of Pittsburgh In making said appointments the public administrator shall also give due consideration to the geographical distribution of said members as to residence within the aforesaid limitations

Section 1204 The park and recreation board shall have the power and duty to supervise control and maintain the park and recreational facilities of the consolidated city It shall be its duty to recommend to the board of commissioners the acquisition of park and recreational facilities and the erection improvement and development of parks and recreational facilities of the consolidated city from time to time The said board shall likewise recommend from time to time to the board of commissioners that the consolidated city join with any state or federal agency municipal division or divisions school district or districts in the acquisition improvement maintenance and/or management of park and recreational facilities and in the employment of any person firm or corporation to this end provided however that nothing in this article shall be construed to diminish the powers of municipal divisions over their respective park and recreational facilities

Section 1205 The park and recreation advisory board shall have the power and duty to prescribe the qualifications of the officers and employes of the department and transmit the same to the department of personnel for adoption by the department of personnel and by the board of commissioners as provided in Article III section three twenty-three It shall organize by selecting from its members a chairman and vice-chairman and shall select and employ a secretary and establish rules and regulations for the governing of its proceedings and the performance of its duties It shall have the power subject to the approval of the public administrator to recommend to the board of commissioners the organization within said department of such bureaus and divisions as it shall deem advisable for the proper conduct of the powers and duties of the department and the board of commissioners may thereupon create said bureaus or divisions as so recommended

Section 1206 The director of parks and recreation subject to the approval of the park and recreation advisory board shall make and enforce all rules and regulations necessary for the safe and proper use and enjoyment of the park and recreation facilities of the consolidated city and shall recommend from time to time to the board of commissioners the adoption of such ordinances as may be deemed necessary for the carrying out more fully of the aforesaid rules and regulations The director of parks and recreation may from time to time request of the department of safety and said department of safety shall thereupon assign to the department of parks such number of consolidated city police as shall be necessary for the proper protection of persons and property in and about park and recreation facilities of the said consolidated city While so assigned to the department of parks and recreation the said consolidated city police shall in addition to the powers and duties heretofore conferred upon them by this charter perform such other duties as may be required by the director of parks and recreation

Section 1207 In exercising its powers and duties the department of parks shall cooperate so far as practicable with the park and recreation officials of the municipal divisions of the consolidated city

Section 1208 The department of parks and recreation shall develop formulate and administer a program for the conduct of all park and recreational activities of the consolidated city with the view to providing the persons using said facilities with an adequate program of social cultural physical and educational activities therein

ARTICLE XIII

DEPARTMENT OF PLANNING

Section 1301 There shall be a department of planning which shall exercise the planning powers of the consolidated city The department of planning shall exercise all the rights powers and duties heretofore vested in the County of Allegheny with respect to planning and such other rights powers and duties with respect to planning as the board of commissioners may from time to time determine by ordinance

Section 1302 There shall be a director of planning who shall be the head of the department of planning No person shall be appointed director of planning who is not a person with training and experience in city or regional planning and qualified by training or experience in the professions of architecture engineering or landscape architecture and competent to prepare and interpret surveys of a physical social and financial character as the basis for the arrangement rearrangement and coordinated development of the consolidated city

Section 1303 There shall be an advisory planning board consisting of the director of planning and twelve members The members of said board shall be appointed by the public administrator and approved by the board of commissioners The members of the board shall serve without compensation and no member of the board shall hold any other public office or receive compensation from any other municipality or public agency Six members of said board shall be residents of the present city of Pittsburgh and the remaining six shall be residents of the consolidated city outside of the limits of the present City of Pittsburgh The administrator in making said appointments shall give due consideration to the geographical distribution of the residence of each of the urban or suburban territories Appointments to said board shall be for a term of six years provided however that the board as first constituted shall consist of the following members The members of the County Planning Commission of the County of Allegheny in office on the effective date of this charter shall continue as members of the planning board until the expiration of the terms for which they shall have been appointed The remaining three members of the board shall be appointed one for a term of two years one for four years and one for six years from the first day of January following the adoption of this charter provided however that the public administrator in appointing said three members shall choose them from such part or parts of the consolidated city as shall most nearly effect the intent of this section in dividing the membership of said board equally between the present city of Pittsburgh and the remainder of the consolidated city Thereafter all appointments to said board shall be for the term of six years and in making said appointments the public administrator shall choose the members thereof in such manner that the present City of Pittsburgh and the remainder of the consolidated city shall be equally represented as above provided

The said advisory planning board shall also include as non-voting members thereof from time to time the director of any department of the consolidated city which is interested in or concerned with any project or plan under consideration from time to time and so long as any such project or plan is so considered he shall have adequate notice of all meetings of the board at which such project or plan is to be considered

Section 1304 The advisory planning board in submitting any report to the board of commissioners in the exercise of any of the powers or duties imposed by this article shall include therein and interpret the physical social and financial aspects of the matters covered by such report together with such suggestions as the board may desire covering the coordination of planning for the same and shall make such other studies and investigations with respect to any planning study as the board of commissioners may request from time to time

Section 1305 The director of planning shall have the power to appoint the employees of the department subject to the provisions of Article XIV It is the intent and purpose of this section that in the organization of the department of planning pursuant to the terms hereof

that in all cases persons in the employ of the county planning commission aforesaid shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of planning of the consolidated city

Section 1306 The department of planning in the exercise of its functions shall coordinate its activities with the planning bodies of any municipalities within the consolidated city having planning powers in connection with any plan or map affecting said municipal divisions It being the intent and meaning hereof that the said department in the exercise of its functions shall not make or adopt any plan rule or regulation inconsistent with any existing ordinance of any said municipalities or official plans prepared by the legally constituted planning bodies in any municipality within the limits of the consolidated city In the event that the department of planning in the exercise of its functions desires to adopt any plan map rule or regulation affecting a municipal division having planning powers but which has not exercised the same or adopted an official plan for said municipal division in accordance with its local planning powers then the department of planning shall advise the authorities of said municipal division of its intention to make or adopt a plan map rule or regulation affecting said municipal division Whereupon it shall be the duty of the municipal division to exercise its planning powers with regard to the subject matter of the notice herein provided for and in the event that said municipal division does not so exercise its powers as to cover the subject matter of said notice within a period of one year after receipt of said notice then any map plan rule or regulation thereafter adopted by the department of planning shall be in full force and effect within said municipal division to the same extent as if it had been adopted by the municipal division itself Nothing in this article shall be construed to affect the exclusive powers of the department of planning with respect to plans of lots in the townships within the consolidated city

Section 1307 Upon request of the board of commissioners and upon appropriation thereby of adequate funds to meet the expense of the same the department of planning shall prepare an official map or plan of the consolidated city and all municipal divisions thereof and in connection with the same shall so far as practicable indicate thereon the results of existing surveys and investigations as to physical social and financial aspects of the subject matter of the plan The department of planning may make and adopt such official plan as a whole or may make and adopt successive parts of the plan said parts corresponding with major geographical divisions of the consolidated city Before the adoption of said official plan or any such part thereof the department of planning shall hold at least one public hearing thereon notice of the time and place of which shall be given in the same manner as notice of ordinances as provided in Article III of this charter

Section 1308 Whenever the department of planning shall have made and adopted an official plan of the consolidated city or of one or more portions thereof as aforesaid it shall be competent for the board of commissioners by ordinance to provide that thereafter no municipal division shall make adopt or enforce any local plan inconsistent with the said official plan and provide suitable penalties therefor together with the power to provide that any building or structure erected in violation of the provisions thereof may be abated as a nuisance No such ordinance shall be adopted unless and until the board of commissioners shall hold a public hearing thereon after notice provided in Article III of this charter Thereafter any municipal division so affected shall revise or amend its existing plans if any so as to conform with the requirements of this section

ARTICLE XIV

DEPARTMENT OF PERSONNEL

Section 1401 There shall be a department of personnel which shall have the powers and duties conferred upon it by this charter including the power and duty to inquire into the qualifications of persons proposed for appointment as officers or employes of the consolidated city except as otherwise expressly provided in this charter and such other powers and duties as may from time to time be conferred upon it by ordinance of the board of commissioners

Section 1402 There shall be a director of personnel who shall be the head of the department of personnel and shall have the power to appoint all the employes of this department No person shall be appointed director of personnel unless he shall have been a resident of Allegheny County at least five years immediately preceding his appointment

Section 1403 Except in case of public emergency and except in the case of the county officers named in Article IV the heads of departments the secretary of the boards of commissioners and the members of boards and of commissions serving without compensation no person shall be appointed to any office or employment of the consolidated city unless such person shall have been a resident of Allegheny County for at least two years immediately preceding said employment and until such person has been examined by the department of personnel with respect to his qualifications for any proposed appointment and a report on his mental ability education experience character reputation physical fitness and other pertinent information has been filed by the said department in complete and detailed form with the appointing authority

No public emergency shall be deemed to exist within the meaning of this section unless and until the same shall be determined to exist by ordinance of the board of commissioners of the consolidated city which ordinance among other things shall state the nature of the emergency and the duration for which said declaration of emergency shall be deemed to be in existence

Section 1404 Whenever the board of commissioners or any officer or board so authorized by this charter shall adopt minimum requirements to be possessed by appointees to certain offices or employment or when such requirements are specified in this charter than no person shall be appointed to such office or employment unless the director of personnel shall certify to the appointing authority that such person proposed for appointment or employment as aforesaid fulfills said minimum requirements and in the opinion of the director of personnel is qualified for such office or employment

Section 1405 It shall be the duty of the Department of Personnel to classify all persons in the service of the consolidated city and within the offices of the various bureaus boards departments and divisions thereof and to recommend to the board of commissioners from time to time plans of salary standardization therein and shall likewise from time to time fix and determine the number of employees in the service of the consolidated city and within the bureaus boards departments and divisions thereof together with the minimum requirements and qualifications for each class of position therein The foregoing recommendations of the department of personnel shall be filed with the board of commissioners from time to time and a copy thereof shall be filed promptly in the office of the public administrator and also in the office of any officer or head of department interested Thereafter the action of the board of commissioners thereon shall be as provided in section three hundred twenty-three (323) of Article III Provided however that no compensation or salary shall at any time be increased or diminished or the number of employees or the minimum requirements and qualifications for any class of position in the service of the consolidated city and in the bureaus boards departments and divisions thereof shall be changed until the recommendation of the said department of personnel with respect thereto is on file with the board of commissioners the public administrator and any officer or head of department affected nor until such action thereon is taken as provided in section three hundred twenty-three (323) of Article III

Section 1406 The department of personnel shall keep a permanent employment record Whenever the department of personnel or any officer or employe thereof makes any report recommendation certification or communication to any officer or board of the consolidated city as provided herein a copy of such report certification recommendation or communication as the case may be shall at the same time be placed on file in the office of the di-

rector of personnel and the same shall be available for inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon At the same time a copy of every such report certification recommendation or communication as the case may be shall be filed in the office of the secretary of the board of commissioners of the consolidated city

Section 1407 No officer or employee of the consolidated city excepting the officers enumerated in section fourteen hundred three hereof shall be appointed suspended reinstated promoted or removed without immediate notification to the said department of personnel by the officer making the said appointment reinstatement suspension promotion or removal With the exception of the persons enumerated in section fourteen hundred two of this article no officer or employee of the consolidated city other than elective officers shall be paid any salary or wages unless and until there be in the office of the director of finance a payroll or pay voucher covering the same and certified by the director of personnel

Section 1408 All salaries wages or compensation paid to any officer or employee of the consolidated city excepting the compensation of the members of the board of commissioners shall be so paid only in return for full time service and it shall be the duty of the board of commissioners from time to time to establish by ordinance the hours of employment in all offices divisions and departments in the consolidated city

Section 1409 The department of personnel shall have power to make subject to the approval of the board of commissioners uniform regulations with regard to absence sickness and vacations and to determine their effect on compensation

Section 1410 The department of personnel shall keep records relating to the reliability and efficiency of all officers and employes of the consolidated city and no transfer reinstatement or promotion shall be made until the report of the department of personnel relative to such transfer reinstatement or promotion is on file with the appropriate officer or board

Section 1411 Whenever the board of commissioners shall adopt a system of retirement allowances the same shall be administered by the department of personnel unless otherwise provided by law provided however that no officer or employee of the consolidated city shall receive retirement allowance pension or annuity at any time from more than one governmental source other than for military service

Section 1412 The board of commissioners by resolution shall have the power to provide for part time or irregular employment in any department or division of the consolidated city Such part time or irregular employment shall only be authorized when the same has been established by resolution of the board of commissioners said resolution advising the nature of employment the qualifications required therefor and the salary or compensation to be paid therefor

Section 1413 All fees commissions moneys and perquisites received pursuant to the laws of the state or otherwise by each and every officer and employe of the consolidated city other than the salary fixed herein or pursuant to the terms hereof for such office or employment or which they shall be legally authorized required or entitled to charge or receive by virtue of such office or employment shall belong to the consolidated city and it shall be the duty of each of said officers and employes to exact collect and receive all such fees commissions moneys and perquisites as are levied for the state which shall be to and for the use of the state and none of the said officers and employes shall receive for his own use or for any use or purpose whatever except for the use of the consolidated city or of the state as the case may be any fees for any official services whatsoever

ARTICLE XV

DEPARTMENT OF LAW

Section 1501 There shall be a department of law the head of which shall be the solicitor of the consolidated city who shall have been a resident of the consolidated city for not less than ten years and who shall be an attorney at law having had five years professional experience and admitted and qualified to practice before the Supreme Court of the state The solicitor shall before entering upon the duties of his office file with the commissioners of the consolidated city an agreement to pay to the treasurer of the consolidated city all fees attorneys' fees and commissions received from every source by virtue of his office The term of office of the solicitor shall be for a period of four years beginning the first Monday of January following the adoption of this charter

Section 1502 The solicitor of the consolidated city shall have the power to appoint subject to the provisions of article fourteen all the deputies assistants and other employes of the department provided however that no assistant solicitor shall be appointed who is not an attorney at law admitted and qualified to practice before the Supreme Court of the state and having had three years professional experience and provided that nothing herein contained shall prohibit the employment of Special Counsel with the approval of the Board of Commissioners

Section 1503 It shall be the duty of the solicitor to commence and prosecute all suits brought or to be brought by the consolidated city wherein or whereby any rights privileges properties claims or demands of the consolidated city are involved as well as to defend all actions or suits brought against the consolidated city and he shall perform all duties now imposed by law upon county solicitors and shall do all and every professional act incident to the office which may be required of him by the board of Commissioners In addition the solicitor shall have the powers and duties at present conferred by law upon solicitors or attorneys for constitutional or other officers of Allegheny County

Section 1504 It shall further be the duty of the solicitor to prepare all contracts to which the consolidated city shall be a party and no such contract shall be executed on behalf of the consolidated city unless and until there has been endorsed thereon a certificate of the department of law that the same is a valid obligation and correct as to form It shall further be the duty of the solicitor to prepare ordinances and resolutions as directed by the board of commissioners or the director of any department and to advise the board of commissioners and all officers and departments of the consolidated city upon request as to any matter of law requested by any of them except in the case of the controller

Section 1505 Whenever the solicitor deems the same desirable or upon the request of any officer or head of department of the consolidated city stating the necessity therefor the solicitor shall assign an assistant solicitor to advise such officer or head of department upon all legal matters as may be submitted to him from time to time provided that the same person may act as legal advisor to one or more officers or heads of departments in the discretion of the solicitor

Section 1506 There shall be a bureau of public utility relations in the department of law It shall be the duty of the department to keep a record of franchises consent ordinances and all agreements in which the consolidated city has or may have an interest to see to the enforcement of the rights of the consolidated city thereunder to procure wherever possible the adoption of uniform agreements with each public utility with which the consolidated city or the municipal divisions shall be parties to represent the consolidated city in making and revising such agreements to receive complaints of citizens relative to the service of any public utility to represent the consolidated city and on request of any municipal division and approval thereof of the solicitor and board of commissioners to represent the said municipal division in proceedings before the public service commission of the state or the courts in any matter relating to service franchises rates or valuations The board of commissioners shall not approve the representation by the department of law of any municipal division in such matters unless the governing body of said municipal division enters into a proper agreement with the board of commissioners of the consolidated city for the payment of its fair share of the expense of such proceedings

ARTICLE XVI

DEPARTMENT OF PERSONAL PROPERTY AND SUPPLIES

Section 1601 There shall be a department of personal property and supplies at the head of which shall be the director of personal property and supplies No person shall be eligible for appointment to the office of director of personal property and supplies who is not at the time of his appointment a person having had at least ten years business experience and at least five years experience in purchasing supplies and materials for large municipalities or large business corporations The director shall appoint the other officers and employes of this department subject to the provisions of Article XIV

Section 1602 was read as follows:

Section 1602 The department of personal property and supplies shall have the management direction and administration of the purchase and supply of all articles of personal property for the use of the various departments divisions bureaus and boards of the consolidated city All such departments divisions bureaus and boards shall obtain such articles by requisition on the department of personal property and supplies and not by direct purchase and the manner and form of such requisition may be prescribed from time to time by ordinance of the board of commissioners All appropriations for the purchase and supply of such articles shall be made to and shall be expended by the department of personal property and supplies and all contracts for the purchase of such articles shall be made and entered into by said department The department of personal property and supplies shall have charge supervision and control of the inspection of articles goods materials and commodities to be so purchased by it and shall have control and management of such warehouses and storerooms as may be provided from time to time for the receipt and storage thereof

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1602, page 107, line 25, by inserting after the word "department" the following:

"Provided, however, That no contracts shall be made nor payment thereof be authorized for sums in excess of three hundred ($300.00) dollars, unless sealed bids have been requested in a notice published at least one time in a newspaper of general circulation printed in the consolidated city and circulating generally therein"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Section 1603 was read and agreed to as follows:

Section 1603 There shall be in the department of personal property and supplies such divisions as the board of commissioners may from time to time prescribe by ordinance which divisions shall include the purchasing division warehouse and storage division motor vehicle division and other apropriate divisions

Section 1604 was read as follows:

Section 1604 The director of personal property and supplies shall sell lease or otherwise dispose of such property within the supervision of said department as is not necessary or convenient for use by the consolidated city Such disposal shall be under such regulations as may from time to time be provided by ordinance

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1604, page 108, line 15, by inserting after the word "ordinance" the following:

"Provided however, That where such property amounts to five hundred ($500.00) dollars or more, notice of the sale shall be published at least one time in one newspaper of general circulation"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 1701 to 1703 inclusive were separately read and agreed to as follows:

ARTICLE XVII

MUNICIPAL COURT

Section 1701 There shall be and hereby is created a court of record in the consolidated city to be known as "The Municipal Court" to be composed of one judge for every hundred thousand of population or fraction thereof of the consolidated city such population to be determined by the last preceding decennial census The exact number of judges shall be determined and fixed from time to time by the board of commissioners of the consolidated city by ordinance The said judges shall be elected at municipal elections for terms of ten years each from the first Monday of January next succeeding their respective elections The first judges shall be elected at the municipal election in the year one thousand nine hundred and thirty-five Upon the order of the board of judges of the municipal court additional judges from time to time never exceeding five in addition to the number permitted by the census requirements may be elected The order of the board of judges of the municipal court to this end shall only be made whenever in their opinion the business of the municipal court requires such additional appointments and the increase in number is approved and authorized by the board of commissioners of the consolidated city

The judges of said municipal court shall be known as "magistrates" and whenever the term "magistrate" appears hereinafter in this article unless the context clearly indicates otherwise the same shall be taken to mean the judges of the municipal court The president judge of said court shall be selected in the same manner as in the case of courts of common pleas and two vice-presidents shall likewise be chosen except where seniority is established when the judge second and third oldest in commission shall be the vice-president Vacancies in the office of judge shall be filled by the Governor in the same manner as in other courts

Section 1702 No person shall be eligible for appointment to the office of magistrate of said court unless he shall be an attorney admitted to practice before the Supreme Court of the state and having had actual professional experience of at least five years All magistrates shall hold office for a term of ten years from the date of the beginning of the term for which they shall have been elected

The president magistrate shall receive a salary of $7500 per annum the two vice-president magistrates shall receive a salary of $6500 per annum and the other magistrates shall receive a salary of $6000 per annum

A commission shall issue from the governor to each magistrate under the great seal of the commonwealth and the said magistrate before entering upon his duties shall take the oath of office prescribed by the constitution before one or more judges of the court of common pleas of Allegheny County Each magistrate shall devote his

whole time and capacity to the duties of his office so long as he shall continue to be a magistrate of the municipal court The magistrates of the municipal court shall have full power to act after the judges take office on the first Monday of January one thousand nine hundred and thirty-six with respect to all matters including the adoption of rules the locating and furnishing of courtrooms appointments of employes and all other matters of arrangement and assignment which shall be completed prior to July first of the same year upon which date the said municipal court shall begin to exercise its powers and duties

Section 1703 The said municipal court shall have jurisdiction as follows

(a) The existing jurisdiction of all magistrates aldermen and justices of the peace in Allegheny County and in the cities of the second and third class constituting municipal divisions thereof whch shall include all existing powers of every kind and character whatsoever civil criminal and summary as are provided under the laws of this state at the time of the adoption of this charter

(b) In all civil actions where only a money judgment is sought to be recovered and in all actions of replevin in which the sum demanded or the value of the property replevied exclusive of damages for the taking or detention thereof does not exceed five hundred dollars exclusive of interest and costs except in cases where the title to lands or tenements may come in question This shall also include the right of the defendant to present a claim of set-off or counterclaim in a like amount except in cases of replevin

(c) In cases of violations of ordinances of the consolidate city and the municipal divisions thereof including the right to impose the fines and penalties provided for therein

(d) Such other and additional jurisdiction as may from time to time be conferred upon said court by appropriate legislation amending this charter in this respect

Section 1704 was read as follows:

Section 1704 The said municipal court shall have the following powers

(a) To adopt prescribe and amend rules for the procedure in said court in all matters within the jurisdiction of the court

(b) To fix the hours during which the court shall be open which shall make adequate provision for evening sessions

(c) To prescribe the duties of the secretary of the court who shall be the clerk of court in charge of the dockets and records of the court and the duties of such clerks bailiffs and other employees of said court the manner of keeping records and papers the collection and disposition of moneys and accounts thereof

(d) To prescribe the forms and practice of the court including forms of writs of summons and other appropriate writs as well as forms of pleading when pleadings may be required and all matters of procedure and to provide for the keeping of the proper dockets and the entries to be made therein providing that all proceedure and hearing or trial of cases shall be so simplified as to make employment of counsel unnecessary

(e) To fix the calendar practice and designations of divisions of the court where special classes of cases such as criminal cases small claims traffic complaints matters of moral conduct or any other classes of cases may be heard

(f) To establish a system of conciliation whereby civil controversies may be submitted by consent of the parties to a magistrate of the court for informal hearing and decision without entry of judgment

(g) To establish a system of arbitration and the procedure thereof

(h) To provide for a board of review consisting of the President and Vice-President magistrates to which appeals may be taken on condition that the decision of the said board of review shall be final

(i) To prescribe the rules and regulations with reference to the keeping and preservation of the records documents and papers pertaining to the business of the court and by resolution to direct the clerk of the court to destroy any records deposited or filed in his office which may be considered no longer necessary provided however that records and papers less than six years old shall not be destroyed

(j) To establish rules authorizing the taking of testimony by deposition of witnesses residing out of the county or state or who by reason of age sickness or other infirmity are unable to attend the trial or hearing or whose presence cannot be reasonably had and to authorize the taking of such testimony in such manner not inconsistent with the laws of this state as the court shall deem proper

It is the spirit and intent of this article to require the said municipal court to dispose of the business of the said court with dispatch having due regard for the convenience and interests of all parties in litigation in said court in the matter of place and time of hearing and to secure this result adequate provision shall be made for evening sessions and for such other times of hearing as will not unduly interfere with the normal times and periods of occupation of litigants and witnesses For this purpose provision shall be made and appropriate classification of cases and divisions of the court Among other divisions there shall be small claims courts where litigation in civil matters not exceeding fifty dollars shall be promptly heard and disposed of without unnecessary formality and where rules of procedure and evidence may be reduced to the simplest and most direct methods possible and cases shall be heard and disposed of at the least possible cost Where the right of appeal may be limited and restricted so far as the same may be done within constitutional limitations so that justice may be promptly and expeditiously accomplished and litigation may not be unduly protracted

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1704, page 114, by inserting after line 11, the following paragraph:

"k. To designate as its official newspaper for the publication of all announcements, trial lists, notices of hearings, lists of special cases, advertisements or publications required by law or for the transaction of the business of the court, its daily minutes of business transacted, all decisions and judgments and other matter of public importance, the legal newspaper designated by the Courts of Common Pleas of the county, the County Court and the United States District Court for the Western District of Pennsylvania."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

Sections 1705 to 1725 inclusive, sections 1801 to 1804, inclusive sections 1901 to 1905, inclusive, sections 2001 to 2008, title and table of contents were separately read and agreed to as follows:

Section 1705 To insure the accomplishment of the purposes of its creation the following requirements are mandatory upon the magistrates of the municipal court and it shall be the duty of each magistrate of the court to see that the same are fully carried out not only in the letter but in the spirit of the following provisions

(a) The court shall be open at all reasonable times for the transaction of business and provision shall be made so that the remedies which may be afforded by this court shall be available to all persons at all times and for this purpose shall have a central office and be furnished telephone facilities by the consolidated city The said office shall be open at all times of the day and night with which communication may be established by any person and

appropriate relief and messenger service may be afforded without delay Upon the arrest of any person by any police officer or peace officer of the consolidated city for any criminal offense whatsoever or for the violation of any ordinance of the consolidated city or of any municipal division thereof the said defendant upon request if a bailable offense shall be admitted to bail forthwith and in the meantime it shall be the duty of the central office of the municipal court upon request of said defendant to communicate by telephone messenger service or in any practicable manner with any reasonable number of persons within the consolidated city as may be requested by the defendant

(b) A system of rotation of judges shall be provided by which provision shall be made that no judge shall hold court continuously in the same place for more than three months except that judges specially assigned to hear traffic complaints and matters of moral conduct may hold court continuously in the same place for not more than two years

(c) A geographical distribution of the places of holding court shall be made throughout the consolidated city which shall give consideration to the amount of business to transact and the convenience of litigants Cases shall be heard at the location most convenient to the litigants and in the event that this works a hardship on the defendant then at the location most convenient to the defendant These matters shall be covered by appropriate and definite rules which rules shall provide among other things that when in the opinion of the magistrate before whom a proceeding has been instituted that the spirit and purpose of this subparagraph would be most properly met by the removal of a case to another municipal court within the consolidated city then said magistrate in his discretion shall forthwith make an appropriate order removing the record to such other court

(d) The cases shall be heard and disposed of as promptly as the circumstances will permit and wherever possible the magistrate hearing the case shall make a decision at the conclusion of the hearing and in all other cases within one week thereafter

Section 1706 The president magistrate in addition to all other powers as presiding judge of the said municipal court shall exercise general supervision over the business of the court and have such other powers as may be from time to time conferred upon him by resolution of the board of magistrates He shall preside at the central court and he shall have the power and duty of assigning the magistrates to the different sections or districts of the consolidated city where places may be provided for the holding of court and shall have power to reassign the said magistrates It shall be his power and duty to divide the consolidated city into districts comprising not more than fifty thousand inhabitants and shall make adequate provision for the holding of court in each of said districts in accordance with the purpose and intent of this article and to rearrange said districts and to change the boundaries thereof from time to time in his discretion as will facilitate the prompt and expeditious handling of the business of the court He may transfer cases for hearing from one court to another court for the convenience of the parties or for other proper cause

Section 1707 The two vice-president magistrates of the said municipal court shall hold their commissions in the order of their appointment and shall in said order exercise the duties and powers of the president magistrate in case of his absence or inability to serve

Section 1708 The magistrates of this court shall constitute a board of magistrates and shall discharge the functions thereof A majority of all the members of said board shall constitute a quorum The board shall have the power to appoint and remove the secretary of the board who shall be the clerk of the municipal court and all bailiffs and other employes of the court subject to the provisions of Article XIV

Section 1709 The salaries of all employes of said municipal court shall be fixed from time to time by the board of commissioners of the consolidated city who shall provide for a secretary of the board and for at least one clerk and one bailiff for each magistrate thereof and for such other additional employes as may be recommended by the board of magistrates from time to time subject to the approval of the board of commissioners It shall be the duty of the board of commissioners to provide the necessary quarters for the holding of court and shall provide not less than one courtroom for each district together with the necessary furnishings and facilities at such locations as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall pay all the necessary costs of furnishing maintenance and use of the said quarters as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners The said board of commissioners shall also make the necessary provisions for a central office and telephone service of said court the said central office to be within the City of Pittsburgh together with such necessary furnishings and facilities for the same as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall make provision for the employment of such messengers clerks and other persons as may be so recommended from time to time

Section 1710 The municipal court shall have a seal for the use of said court which shall contain the words "Municipal Court City of Metropolitan Pittsburgh Seal" which seal shall be affixed to all writs of summons transcripts and other official papers certificates or documents issued by or under the direction of the said court The seal of the court shall be in the custody of the court or deputy clerks specifically so authorized by the board of magistrates of the said court. The court may provide for the keeping of a seal at each place designated by it for the holding of court

Section 1711 The municipal court is empowered to issue writs of subpoena and writs of subpoena duces tecum under its official seal and under such rules as may be prescribed by the board of magistrates into any part of the consolidated city and into any county of this state to summon and bring before the court any person to give testimony or to produce any paper document or writing in any cause or matter pending before it under such penalties as may be provided by law from time to time in similar cases but no subpoena shall issue to summon a witness from any other county of the state except after an order made by a magistrate of said court upon cause shown

Section 1712 Service of a writ and copies of plaintiff's statement or defendant's answer statement of set-off or counterclaim when such answers or statements are required under the rules of the said court shall be made in the same manner as is now provided by law for the service of writs statements of claims answers or statements of set-off or counterclaim as the case may be and may be made by a bailiff for the said court or by the sheriff or by such other persons as may be authorized thereto by the rules of said court provided however that in proper cases as may be prescribed from time to time by rules of court service of the writ and copies of the plaintiff's statement of claim in such cases may be made by registered mail to the last known place of residence of the defendant

Section 1713 Bailiffs shall be appointed and removed by the board of magistrates of the municipal court No person shall be appointed bailiff who is not of good moral character or who has been convicted of any crime The said board of magistrates shall from time to time recommend to the board of commissioners the number of bailiffs required to properly carry on the business of the said court The bailiffs in addition to the salary hitherto required to be fixed and paid by the board of commissioners shall receive such expenses rendered in connection with the specific services as may be recommended from time to time by the board of magistrates of said court and approved by the board of commissioners The bailiff shall have and exercise all the powers now conferred by law upon constables and in addition such duties as may be imposed upon them from time to time by the board of magistrates Traveling expenses properly incurred by the bailiffs in connection with their duties shall be paid to them by the clerk of the said court

upon receipt thereof from the litigant properly required to pay the same

Section 1714 The expenses fees and costs to be charged by and paid to the court in connection with the issuance and service of writs the making of entries in the court records and other services properly charged for by law shall be fixed by the board of magistrates of said court provided however that the same shall be substantially less than the charge for the corresponding expense fee writ entry or service in the courts of common pleas and quarter sessions of Allegheny County and the same with all witness fees which shall also be fixed by the said board of magistrates shall follow the judgment in civil cases but the court may in any case make such order as to the payment of costs fees and expenses either by the plaintiff or by the defendant or by both as may in the judgment of the court be fair and equitable No costs shall be required to be deposited or secured in advance except in the case of nonresident plaintiffs in such manner as may be provided from time to time by the rules of said court All fees and costs in civil matters where the amount in controversy does not exceed fifty dollars shall be fixed at a minimum and shall not exceed one dollar exclusive of witness fees

Section 1715 The magistrates of said court shall have the power to administer oaths or affirmations or to commit persons for contempt of court Any clerk of said court shall be empowered to administer oaths or affirmations and shall under the rules of court have the right and duty to do all things helpful to the conduct of the business of the court other than the actual hearing of cases

Section 1716 A record shall be kept of all moneys and fees paid into the said court and the same shall be promptly paid over to the Treasurer of the consolidated city at such times as may be required and prescribed by the director of finance of the consolidated city At the time of paying over money to the consolidated city the clerk of courts shall also transmit a proper report thereon to the treasurer of the consolidated city and file a duplicate thereof with the controller The board of commissioners is hereby authorized and empowered to fix the amount of bond to be given by the bailiffs officers and employes of the court All salaries expenses and costs incurred in the conduct of business of said municipal court or provided for herein shall be paid out of the treasury of the consolidated city as in this charter provided for other expenses of the consolidated city provided however that the salaries of the magistrates of the said court shall be paid by the state

Section 1717 The municipal court may issue the following writs of execution writs of fieri facias capias ad satisfaciendum or attachment execution upon its money judgments and writs de retorno habendo in replevin as provided by laws relating to the enforcement of judgments of the court of common pleas These writs shall be executed by the bailiffs of the said municipal court or by the sheriff and the practice in the execution of writs of fieri facias capias ad satisfaciendum and de retorno habendo shall be the same as is provided by law in similar cases in the court of common pleas except that such writs shall be returnable as the municipal court may by rule prescribe In writs of attachment execution the practice shall be the same as in cases of corresponding civil suits in the municipal court subject to such special rules as the court may from time to time prescribe No writ of fieri facias or attachment execution issuing out of the municipal court shall in any manner operate as a lien on or be used for the sale of real estate provided however that all writs as aforesaid shall be stayed when an appeal has been taken to the county court or perfected as hereinafter provided

Section 1718 At any time after twenty days from the date of the final judgment of the municipal court and in the event that no appeal has been taken to the county court the party to whom such judgment is awarded shall be entitled to file in the office of the prothonotary of the court of common pleas a transcript of the docket of the municipal court showing the judgment so entered which judgment shall be entered on the judgment index of the said court and from the date of such entry shall be a lien upon the real estate of the party against whom judgment has been rendered as aforesaid and thereupon the judgment creditor shall be entitled to preserve and continue the lien of or enforce said judgment by execution or other process in the same manner and to the same extent as though it had originally been entered in the office of the prothonotary

Section 1719 Judgments may be confessed against any person firm or corporation so authorizing the same in cases permitted under the laws of this State for the confession of judgments in the court of common pleas thereof and the municipal court shall from time to time prescribe such rules not inconsistent with this charter or with the laws of the state governing proceedings for the confession of judgment as aforesaid

Section 1720 Appeals may be taken from the municipal court to the county court of Allegheny County within twenty days after final judgment or order in all cases in which said county court may now or hereafter be given jurisdiction In all other cases appeals may be taken to the courts of quarter sessions and oyer and terminer of the county and in all cases in which the magistrates aldermen and justices of the peace shall act as committing magistrates the practice shall be as heretofore or hereafter provided by the laws of the state in connection with proceedings involving actions of persons sitting as committing magistrates

Section 1721 The county court of Allegheny County shall have the right to adopt and amend rules relating to appeals to it from the said municipal court which shall include the right to fix and prescribe all of the conditions relating to the taking and the effecting of said appeals including the manner of the giving of or dispensing with bond either for debt interests and costs or for costs only and the said county court shall have the right subject only to constitutional limitations to impose such restrictions and limitations upon the right of appeal in cases involving claims not exceeding fifty dollars as it may by its rules fix and prescribe to the end that the matters in controversy may be promptly and finally disposed of without undue or protracted litigation

Section 1722 The courts of quarter sessions and oyer and terminer of the county shall have the right to adopt and amend rules relating to the appeals to such courts from the municipal court which shall include the acts of the said magistrates of the said municipal court sitting as committing magistrates and the said court of quarter sessions and oyer and terminer may fix and prescribe such conditions relating thereto and to the taking and perfecting of the said appeals including the matter of giving or dispensing of bond payment of costs or the securing thereof as it may deem advisable

Section 1723 Nothing herein contained shall be taken to reduce diminish or alter the existing jurisdiction powers and duties of the mayors or chief executive officers of cities or of the burgesses of the boroughs within the limits of the consolidated city

Section 1724 From and after the adoption of this charter as herein provided no justice of the peace alderman or constable shall be elected to office but the justices of the peace aldermen and constables in office at the date of the adoption of this charter shall continue in office until the expiration of their respective terms of office and the justices of the peace aldermen and constables whose terms of office expire prior to the effective date of this charter shall continue in office until the municipal court begins to exercise its powers and duties as provided in section sixteen hundred two hereof

Section 1725 In case of any change in the laws of the state relating to courts of record generally the same shall if appropriate be taken and construed to be applicable to the municipal court as constituted in this article provided however that no such change in the laws shall be taken to affect the said municipal court insofar as the same may be construed to reduce the jurisdiction or powers thereof Any law reducing the jurisdiction or powers of the municipal court shall be effective only if passed as an amendment to this charter pursuant to the provisions of section four of Article XV of the constitution and approved by the electors of the consolidated city in the

manner and form provided in said constitution for amendments to this charter which affect the government of the consolidated city as a whole It being the purpose and intent of this article that the jurisdiction powers and functioning of the municipal court as herein constituted shall be deemed and considered to be an essential part of the government of the consolidated city and that no change diminishing the jurisdiction or powers of the same may be effected without the approval thereof by the electors of the consolidated city

Section 1726 Any person who shall attempt to influence the rulings decisions or judgments of any magistrate by any means except the strength of evidence produced at a hearing or the arguments of himself or his counsel during any hearing in open court shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than One Thousand Dollars or imprisonment for not more than one year or both in the discretion of the Court

ARTICLE XVIII

MUNICIPAL DIVISIONS

Section 1801 Whenever two or more municipal divisions shall be adjacent contiguous and of compact territory they may be consolidated into one municipal division in the following manner the governing body of each municipal division concerned may of its own initiative or within sixty days after petition in writing signed by at least twenty percent of the qualified electors of any such municipal division shall enter into a joint agreement under the corporate seal of each municipal division respectively for the consolidation thereof into one municipal division The joint agreement shall set forth the name of the new municipal division the class of municipality which it shall henceforth be and the territorial boundaries thereof It may also set forth such terms as may have been agreed upon for the disposition of the assets of each of the municipal divisions and for the liquidation of the indebtedness of the same either jointly or separately or in certain defined proportions and the adjusting and paying of the same by an equitable method of taxation

The question of the consolidation of such municipal divisions shall be submitted to the vote of the qualified electors of each of said municipal divisions at a special election to be held on the day designated in the joint agreement provided however that no special election shall be held less than ninety days after the execution of said agreement provided however that if a general or municipal election shall be held within the period of six months after the execution of such agreement then the election upon the question of consolidation shall be held on the day fixed for the holding of such general or municipal election The election shall be held by the regular election officers and in accordance with the provisions of the laws governing general or special elections as the case may be

The election shall be by ballot upon which shall be marked "proposed consolidation of the municipal divisions of .... and ..... to form a single municipal division under the name of ....." and below shall be printed the words "for consolidation" and "against consolidation" and the elector shall designate with an X his desire to vote for or against such consolidation If the majority of votes cast at such election in each of said municipal divisions each voting separately is in favor of the consolidation the result of such election shall be certified by the respective board or return judges to the board of commissioners of the consolidated city and the said board of commissioners shall forthwith cause certification of the result to be made to the governing bodies of the municipal divisions concerned and to the Secretary of the Commonwealth

The said joint agreement for consolidation into one municipal division or a certified copy thereof with all its endorsements shall forthwith be filed in the office of the Secretary of the Commonwealth Upon the filing thereof and receipts of the said certification by the Secretary of the Commonwealth the Governor shall cause letters patent to be issued under the great seal of the Commonwealth consolidating the municipal divisions into a single municipal division under the name set forth in the joint agreement A copy of such agreement duly certified by the Secretary of the Commonwealth under the seal of his office shall be the evidence of the existence of the new municipal division with all the rights conferred by the laws of the state and by this charter and a copy of those shall be recorded into the recorder's office of the consolidated city The proper officers of the new municipality upon their election or appointment as the case shall be shall forthwith cause to be recorded in the office of the recorder of deeds the said letters patent together with the original agreement for consolidation or a certified copy thereof

All costs and expenses incurred in such consolidation or proposed consolidation except those incurred in any general or municipal election in which the question of consolidation is submitted shall be paid by the consolidated municipal division if such consolidation takes place and if not such costs and expenses shall be paid in equitable shares by each of the municipal divisions proposing such consolidation so may be determined by the board of commissioners of the consolidated city

Section 1802 Upon the issuance of letters patent the several municipal divisions shall be a municipal division under the name provided in the agreement The ordinances in force in each of such municipal divisions at the time of such consolidation shall continue in force throughout the territory through which they were originally enacted until altered or repealed by the governing body of the consolidated municipal division All rights privileges and franchises of each of the municipal divisions and all the property real personal and mixed and all debts due on whatever account and other things in action belonging to each of such municipal divisions shall be vested in the new municipal division The title to real estate vested in any of such municipal divisions shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of any of such municipal divisions shall attach to the new municipal division and be in force against it All rights privileges and immunities conferred upon any or all of said municipal divisions prior to consolidation by virtue of this charter or by the laws of the state shall continue in force for the benefit of the new municipal division and be vested therein

In the event that a portion of a municipal division desires to be consolidated with one or more municipal divisions the same may be affected upon the same terms and conditions as are herein set forth for the consolidation of two or more municipal divisions provided however that the provisions relating to the petition of qualified electors referred to in section one thousand eight hundred one shall be deemed to be complied with in the case of a portion of a municipal division if said petition is in writing signed by at least twenty percent of the qualified electors of said portion of a municipal division It is the intent and meaning hereof that no portion of a municipal division shall become consolidated with another municipal division unless the electors of the entire muncipal division of which said portion is a part shall vote in the affirmative at the election referred to in this article This article shall not be construed to effect or apply to any consolidation proceeding duly commenced prior to the effective date of this charter

Section 1803 The governing body of any municipal division may propose to the board of commissioners of the consolidated city to surrender one or more of the powers of said municipal division to the consolidated city The board of commissioners of the consolidated city may accept or reject such a proposal In accepting any such proposal the board of commissioners must attach to its acceptance such conditions as may be prescribed in this charter and may attach other conditions in its discretion If the proposal be accepted the board of commissioners shall submit to the electors of the municipal division affected at the next general or municipal election the question of their approval of the surrender of such municipal power upon the conditions if any prescribed by the board of commissioners If a majority of the qualified electors of such municipal division voting thereon shall vote on

such question in the affirmative the said power or powers shall be deemed to be surrendered to the consolidated city upon the conditions embodied in such question

In the event that the governing body of any municipal division as aforesaid may propose to the board of commissioners of the consolidated city to surrender the power and duties of the said municipal division with respect to the collection of taxes within the limits of the same and for the collection of said taxes by the treasurer of the consolidated city it shall be the duty of the board of commissioners to accept such proposal provided however that in accepting such proposal the board of commissioners of the consolidated city may attach to its acceptance such provisions for said service including a reasonable charge for the same not to exceed two percent of the gross amount of moneys collected as the board of commissioners may in its discretion deem advisable provided further that said provisions may include compensation for said collection at the cost of same plus not exceeding ten percent of said cost the said cost of collection to be determined by the director of finance yearly The board of commissioners shall submit to the electors of the municipal division concerned at the next municipal election the question of the approval of the surrender of such power upon the conditions which the board of commissioners has attached thereto If a majority of the qualified electors of the municipal division concerned voting thereon shall vote in favor of such question of a centralized tax collection the said power shall be deemed surrendered to the consolidated city upon the conditions embodied in such question provided however that unless the tax collector of said municipal division in office at the time of the adoption by the electors of such method of centralized tax collection shall assent thereto the surrender of said power to the consolidated city shall not be effective until the expiration of the term for which said tax collector has been elected

Section 1804 There are hereby reserved to each of the municipal divisions of the consolidated city all the properties powers rights capacities and duties of cities boroughs and townships of their respective forms and classes which have not by this charter been granted to the consolidated city together with the substantial powers expressly reserved to the cities boroughs and townships situated in Allegheny County as provided in section four of Article XV of the constitution of the state

ARTICLE XIX

ADOPTION AND AMENDMENT

Section 1901 This charter shall become effective upon adoption by the electors of Allegheny County in the manner and form provided by Article XV section four of the constitution of the state that is to say if a majority of the electors voting thereon in the county of Allegheny as a whole and at least a majority of the electors voting thereon in each of a majority of the then existing municipal divisions comprising the cities boroughs and townships of the County of Allegheny vote in the affirmative on the submission of this charter as hereinafter provided

Section 1902 The question hereinafter set forth shall be submitted to the electors of Allegheny County at a special election on the sixth day of August one thousand nine hundred thirty-five and it shall be the duty of the county commissioners of Allegheny County and all other officers having to do with elections in said county to hold and conduct such election and to count the ballots and declare the results thereof in accordance with the laws of the state

Section 1903 At the election herein provided there shall be printed on the ballot together with such other matter as may be required by law the following question "Are you in favor of the charter for the consolidated city of Metropolitan Pittsburgh submitted to the electors of the County of Allegheny pursuant to the act of the General Assembly of the Commonwealth of Pennsylvania known as the Metropolitan Charter for the County of Allegheny Yes No"

Section 1904 If rejected the said charter may be resubmitted by the county commissioners to the electors from time to time but not oftener than once in two years until adopted Until a charter shall have been adopted as aforesaid the general assembly shall have the power to amend or modify said charter in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid

Section 1905 After a charter has been adopted as aforesaid it may be amended as follows

In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the general assembly provided however that any amendment which changes or modifies the form of government of the consolidated city or the number of or the manner of election of the commissioners thereof shall not be effective until such amendment shall have been adopted by a majority of the electors of the consolidated city voting thereon at a general or special election thereof to be provided for in said amendment

Provided further that in the event that any amendment changes or modifies the manner of election of the commissioners of the consolidated city by changing the manner of election from districts to election from the consolidated city at large then such amendment shall not be effective until the same shall have been ratified by a majority of the electors of the consolidated city as a whole and at least a majority of the electors voting thereon in each of the six districts as specified in Article V section six of this charter

In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city such amendment enacted by the general assembly shall not be effective until it shall have been ratified at a general or special election to be provided for in said amendment by a majority of the electors voting thereon in all of the municipal divisions affected thereby and by a majority of the electors voting thereon in each of a majority of the said municipal divisions so affected

ARTICLE XX

MISCELLANEOUS PROVISIONS AND SCHEDULE

Section 2001 The districts of which the several members of the board of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as specified in Article V section five hundred six of this charter

Section 2002 The articles of this charter the sections thereof and the parts thereof are severable and in the event of any provision hereof being declared unconstitutional it is hereby declared as the legislative intent that such unconstitutional provision shall not affect the validity of the other provisions of this charter

Section 2003 In order to carry the foregoing charter into complete operation the following schedule is adopted

(a) The first board of commissioners as provided for in Article III and the sections thereof shall take office on the first day of January following the adoption of this charter

(b) All constitutional and other elected officers of the County of Allegheny including justices of the peace aldermen and constables in office on the effective date of this charter shall continue in office until the end of their respective terms

(c) Magistrates including morals court and traffic court magistrates in the city of the second class of the County of Allegheny in office on the thirty-first day of December of any year in which this charter shall have been adopted shall continue in office until the date the Municipal Court begins to exercise its powers and duties as provided in Article XVII Section 1702

(d) The offices of justices of the peace aldermen and constables as heretofore provided in the County of Allegheny are abolished to take effect upon the expiration of their terms of office except as otherwise provided in Article XVII Section 1725 of this charter

Section 2004 From and after the adoption of this charter no election shall be held in the county of Allegheny for the offices of prothonotary of the court of common pleas clerk of the court of quarter sessions clerk of court of oyer and terminer the two elected jury commissioners of said county register of wills clerk of orphans' court recorder of deeds or treasurer and the elec-

tion of the first board of commissioners shall be in the manner provided in article three hereof

Section 2005 The sinking fund commission of the consolidated city shall consist of the board of commissioners the controller the public administrator and the director of finance The said sinking fund commission shall have all the rights and exercise all the powers and duties heretofore vested in the sinking fund commission of the county of Allegheny

Section 2006 From and after the effective date of this charter the salary board of the county of Allegheny is hereby abolished

Section 2007 From and after the effective date of this charter the offices of inspector of weights and measures of the cities within the county of Allegheny are hereby abolished and the inspector of weights and measures of the consolidated city shall assume and exercise the powers and duties of said inspectors

Section 2008 All acts and parts of acts whether general special or local relating to the subject matter of this charter are hereby repealed insofar as the same are inconsistent therewith

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

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The Charter contains the following articles

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Article XIV	Department of Personnel
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Article XVI	Department of Personal Property and Supplies
Article XVII	Municipal Court
Article XVIII	Municipal Divisions
Article XIX	Adoption and Amendment
Article XX	Miscellaneous Provisions and Schedule

And said bill having read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 229, as follows:

An Act to further amend the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time fo his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the transfer of the powers and duties incident to the collection of transfer inheritance taxes from registers of will county treasurers and the Auditor General and his agents to the Department of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the Authority of the same That sections three and ten of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Comonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" are hereby amended to read as follows

Section 3 Where there is a transfer of property by a devise descent bequest gift or grant liable to the tax hereinbefore imposed which devise descent bequest gift or grant is to take effect in possession or to come into actual enjoyment after the expiration of any one or more life-estates or a period of years the tax on such estates shall not be payable nor shall interest begin to run thereon until the person liable for the same shall come into actual possession of such estate by the termination of the estates for life or years The tax shall be assessed upon the value of the estate at the time the right of possession accrues to the owner but the owner may pay the tax at any time prior to his coming into possession In such cases the tax shall be assessed on the value of the estate at the time of the payment of the tax after deducting the value of the life-estate or estates for years The tax on real estate shall remain a lien on the real estate on which the same is chargeable until paid The owner of any such personal estate passing to him from a resident decedent shall make a full return of the same to the [register of wills] Department of Revenue within one year from the death of the decedent and within that time enter into security for the payment of the tax to the satisfaction of such [register] department In case of failure so to do the tax shall be immediately payable.

[The owner of any such personal estate passing to him from a nonresident decedent shall make a full return of the same to the Auditor General within one year from the death of the decedent and within that time enter into security for the payment of the tax to the sat-

isfaction of the Auditor General In case of failure so to do the tax shall be immediately payable and collectible]

Section 10 The [register of wills] orphans' court of the county in which letters testamentary or of administration are granted upon the estate of any person dying seized or possessed of property while a resident of the Commonwealth shall upon request of the Department of Revenue appoint an appraiser whenever occasion may require to appraise the value of the property or estate of which such decedent died seized or possessed or hereinbefore subject to tax Such appraisers shall be appointed by the court on a form supplied by the Department and shall show the name and address of the appointee The appointment shall be returned to the Department of Revenue by the court Such appraisers shall make a fair and conscionable appraisement of such estates and assess and fix the cash value of all annuities and life-estates growing out of said estates upon which annuities and life-estates the tax imposed by this act shall be immediately payable out of the estate at the rate of such valuation

Section 2 That section eleven of said act as amended by the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred thirty-two) is hereby further amended to read as follows

Section 11 The compensation of such appraisers shall be as follows namely For each day during which an appraiser shall actually be engaged in making appraisements of property subject to the tax he shall receive the sum of eight dollars If it shall be necessary for the appraiser to travel from his place of residence to appraise property subject to the tax he shall be allowed such actual necessary traveling expenses as he may incur which expenses shall be itemized in a sworn statement to be returned to the [register] Department of Revenue and subject to the final approval of the [Auditor General] Department of Revenue

The compensation and expenses of all appraisers appointed under the provisions of this act shall be paid from appropriations made to the Department of Revenue for such purposes

Section 3 That section twelve of said act is hereby amended to read as follows

Section 12 Whenever because of the complicated nature of an estate subject to the payment of such tax the interest of the Commonwealth shall require the appointment as appraiser of such estate of a person possessed of expert of technical knowledge to ascertain the value thereof the Department of Revenue shall [reasonable additional compensation shall be allowed such appraiser for the exercise of such expert or technical knowledge] supply from the technical force of the Department such expert appraiser as is thus required In case where after the appointment of an appraiser it shall appear that the proper appraisement of said estate will require the services of a person possessed of expert or technical knowledge whereof the appraiser appointed is not possessed the appraiser [may] shall with the consent of the Department of Revenue [employ] secure the services of a person possessed of expert or technical knowledge to assist him in the appraisement and for such services the person so employed shall receive reasonable compensation as may be fixed by the Department of Revenue [In all such cases the register of wills appointing the appraiser shall certify to the Auditor General that there is an actual necessity for the appointment of an appraiser possessed of expert or technical knowledge or that the appraiser already appointed to appraise the estate in question should be assisted by a person possessed of such knowldge No person shall be appointed as such expert appraiser or as expert assistant to the appraiser until the approval of the Auditor General of said appointment is first obtained nor] No payment shall [any payment] be made to any expert appraiser or to any [person employed by him under this section] expert assisting an appraiser until an itemized statement of the services performed and the compensation recommended shall have been rendered under oath or affirmation to the [Auditor General for his] Department of Revenue for its approval [and shall have received the same] [No clerk or other person employed in the office of a register of wills shall be appointed as an expert appraiser of an estate subject to the payment of such tax nor as an expert to assist the appraiser of such estate]

Section 4 That section thirteen of said act as amended by section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-nine) is hereby further amended to read as follows

Section 13 Any person not satisfied with any appraisement of the property of a resident decedent may appeal within thirty days to the orphans' court of the county in which the estate is being administered on paying or giving security to pay all costs together with whatever tax shall be fixed by the court The person taking such appeal to the orphans' court shall simultaneously send by registered mail with request for a return receipt a copy of his appeal to the Department of Justice in order that the interests of the Commonwealth may be protected The appeal shall specify all the objections to said appraisement and any objections not specified in the appeal shall not beconsidered by the court Upon such appeal the court may determine all question of valuation and of the liability of the appraised estate for such tax subject to the right of the appellant or the Commonwealth to appeal to the Supreme or Superior Court

Section 5 That sections fourteen and fifteen of said act as amended by sections two and three of the act approved the twelfth day of July one thousand nine hundred and twenty-three (Pamphlet Laws one thousand seventy-eight) are hereby further amended to read as follows

Section 14 The [register of wills shall enter in a book to be provided at the expense of the Commonwealth which shall be a public record the returns made by all appraisers appointed by him under the provisions of this act opening] Department of Revenue shall keep a record of all appraisements of estates made by the appraisers and shall open an account in favor of the Commonwealth against each decedent's estate [The register] Upon the payment of the tax the Department of Revenue shall issue a properly signed and sealed receipt and may give certificates of payment of such tax from such record [The register shall transmit to the Auditor General on the first day of each month a statement of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid which statement shall be entered by the Auditor General in a book to be kept for that purpose]

Section 15 Every executor administrator legatee devisee trustee grantee or other person or corporation in possession or enjoyment of any property subject to the tax whether real or personal of a resident decedent shall file under oath or affirmation an inventory or schedule of such property giving its location [in the office of the register of wills of the proper county] with the Department of Revenue within three months after the death of such resident decedent or within three months after acquiring such interest in any property subject to the tax herein provided for and in the case of executors and administrators such inventory or schedule shall include all real estate belonging to such decedent of which such executors or administrators have knowledge

Whenever said inventory or schedule is not filed [in the register of wills' office of the proper county] with the Department of Revenue within three months after the death of such resident decedent the [register of wills] Department of Justice at the request of the Department of Revenue shall apply to the orphans' court of the respective county by bill or petition citing the executors administrators legatees devises trustees grantees or other persons or corporations in possession or enjoyment of said property to file said inventory or schedule whereupon the court having caused notice to be given to such executors administrators legatees devisees trustees grantees or other property shall proceed according to equity to make such persons or corporations in possession or enjoyment of said decrees or orders in the premises as the facts warrant

If any tax shall remain due and unpaid for one year after decedent's death the [register of wills] Department of Justice at the request of the Department of Revenue shall apply to the orphans' court by bill or petition to enforce payment of the same whereupon in the case of personal property the orphans' court may cite the

executors or administrators of the decedent whose estate is subject to the tax or any other person in possession of personal property belonging to such decedent's estate or derived from such estate and which is subject to the tax to file an account or to appear on a certain day and show cause why the tax should not be paid and where real estate is charged with the tax the court having first caused notice to be given to the trustee devisee grantee or other person or corporation acquiring or possessing such real estate and to such other persons as may be interested shall proceed according to equity to make such decrees or orders for the payment of the tax out of such real estate as shall be just and proper

When personal service cannot be had notice shall be given for four weeks once a week in at least one newspaper published in the county and in the legal periodical designated by the rules of the court of the county for the publication of legal notices

If the tax shall be found to be due the delinquent shall pay the tax and costs

For the purpose of securing any needed information in the appraisement of property belonging to a resident decedent or in the collection of any tax due the [register of wills or his deputy upon the application of the appraiser or parties in interest] Department of Revenue is hereby given the power to issue subpoenas to compel the production of books papers or documents by any person possessing the same as well as to compel the attendance of witnesses before the appraiser not earlier than three days from the service of such subpoenas at a convenient place to be selected by the appraiser and for the purpose of such hearing the [register of wills or his deputy] appraiser is given the power to administer oaths or affirmations If any person being subpoenaed as aforesaid shall refuse or neglect to appear as commanded the [register] department shall have the power to issue an attachment against said witness to compel his or her appearance according to the practice of the courts directed to the sheriff or any constable of the proper county for execution Witnesses appearing before the appraiser in obedience to subpoena aforesaid shall be entitled to the same fees and mileageas are allowed by law to witnesses in the orphans' court

[In the event the register of wills fails within the time herein mentioned to take the necessary proceedings as above outlined to secure the filing of the inventory or schedule of the property of a resident decedent or to collect the tax due then the Auditor General shall have all the powers herein vested in the register of wills and at his option may institute such proceedings and shall charge to said register of wills and deduct from any commissions or fees otherwise due him all costs expenses and attorney's fees incurred by the Auditor General in connection with such proceedings

The Auditor General in the settlement of accounts of any register may allow him costs of advertising and other reasonable fees and expenses incurred in the collection of the tax]

Section 6 That section seventeen of said act is hereby amended to read as follows

Section 17 Whenever any real estate of which any resident decedent may die seized shall be subject to the tax the executors and administrators shall give information thereof to the [register of the county where administration has been granted] Department of Revenue within six months after they undertake the execution of their respective duties or if the fact be not known to them within that period then within one month after the same shall have come to their knowledge The owners of such estate immediately upon its vesting shall give information thereof to the [register having jurisdiction of the granting of administration] Department of Revenue

Whenever any transfer tax is paid under the provisions of this act to [a register of wills] the Department of Revenue on any real estate located in any [other] county of the Commonwealth the [register of wills to whom the tax is paid] Department of Revenue shall immediately forward to the register of wills of the county where the real estate is located a certificate of the payment of the tax on said real estate which shall be entered of record in his office [In the same manner as payments of taxes made within said country] The register of wills entering of record such payment shall be entitled to a fee of two dollars to be paid by estate of the decedent as part of the expenses of administration

Section 7 That sections eighteen twenty and twenty-five of said act are hereby amended to read as follows

Section 18 Any executor or administrator on the payment of said tax shall [take duplicate receipts from the register both of which shall be forwarded forthwith to the Auditor General who shall charge the register receiving the money with the amount and seal with the seal of his office and countersign the original receipt and transmit it to the executor or administrator whereupon it shall be a proper voucher in the settlement of the estate] receive a proper receipt duly signed and sealed by the Department of Revenue Such payment shall be made by certificate check or such other method as the Department of Revenue shall prescribe and shall be credited to the account of the estate in the department's record in no event shall an executor or administrator be entitled to a credit in his account by the [register] Orphans' Court unless the receipt is so sealed and [countersigned] by the [Auditor General] department

Section 20 Whenever debts shall be proved against the estate of a resident decedent after distribution of legacies from which the tax has been deducted in compliance with this act and the legatee is required to refund any portion of a legacy a portion of the said tax shall be repaid to him by the executor or administrator if the tax has not been paid into the State [or county] treasury [for by the county treasurer] otherwise application for a refund shall be made to the Board of Finance and Revenue in the manner provided by law if it has been so paid

Section 25 Whenever the transfer is of property within the Commonwealth from a decedent who was a nonresident of the Commonwealth at the time of his death the [Auditor General] department of Revenue whenever occasion may require on the application of any interested party or upon [his] its own motion shall appoint an appraiser to appraise the value of such property hereinbefore subject to tax Every such appraiser shall forthwith give notice by mail to such persons as the [Auditor General] Department of Revenue shall direct of the time and place when and where he will appraise such property He shall at such time and place make a fair conscionable appraisement of said property and assess and fix the cash value of all annuities and life-estates growing out of said estates upon which annuities and life-estates the tax imposed by this act shall be immediately payable out of the estate and he shall make report thereof and of such value in writing to the [said Auditor General which report shall be filed in the office of the Auditor General and the Auditor General] Department of Revenue which shall immediately give notice thereof by mail to all parties known by [him] it to be interested therein Any appraiser so appointed shall receive such compensation as the Department of Revenue may fix

Section 8 That section twenty-seven of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 27 Any person not satisfied with such appraisement as made by an appraiser appointed by the [Auditor General] Department of Revenue may appeal within thirty days to the court of common pleas of Dauphin County on paying or giving security to pay all costs together with whatever tax shall be fixed by the court The appeal shall specify all the objections to said appraisement and any objections not specified in the appeal shall not be considered by the court The person taking such appeal shall simultaneously file a copy thereof with the Department of Justice in order that the interests of the Commonwealth may be protected Upon such appeal the court may determine all questions of valuation and the liability of the appraised estate for such tax subject to the right of the appellant or the Commonwealth to appeal to the Supreme or Superior Court

Section 9 That sections twenty-eight twenty-nine thirty thirty-one thirty-five thirty-six thirty-seven and

forty-two of said act are hereby amended to read as follows

Section 28 Every corporation or person to whom any property within this Commonwealth passes from a nonresident decedent subject to the tax hereinbefore imposed or the executor administrator trustee of such a decedent or other party in interest shall immediately upon the death of the decedent give notice to the [Auditor General] Department of Revenue of such property and the location thereof

Section 29 Whenever any tax imposed by this act upon the transfer of property of a nonresident decedent within this Commonewalth shall have remained due and unpaid for one year the [Auditor General] Department of Justice at the request of the Department of Revenue may apply to the court of common pleas of Dauphin County or of any county in which such property may be situated by bill or petition to enforce the payment of the same whereupon the court having caused notice to be given to the owner of the property subject to the tax or to the executor administrator or trustee of the decedent and to such other parties as may be interested shall proceed accordingly to equity to make such decree or order for the payment of the tax out of such property as shall be just and proper

And the [Auditor General] Department of Justice at the request of the Department of Revenue is hereby further authorized and empowered to bring suit or suits in the name of the Commonwealth of Pennsylvania in any court of this Commonwealth or elsewhere for the recovery of any sum or sums due owing or payable for or on account of any tax imposed by the provisions of this act upon the transfer of property within this Commonwealth of which a nonresident of the Commonwealth may have died seized or possessed with costs of suit

Section 30 The [Auditor General] Department of Revenue shall enter in a [book] record which shall be a public record the returns made by all appraisers appointed [by him] to appraise the property of a nonresident decedent within this Commonwealth subject to the tax hereinbefore imposed opening an account in favor of the Commonwealth against each said decedent's estate The [Auditor General] Department of Revenue may give certificates of payment of said tax from said record and upon payment thereof shall give a receipt therefor to the party paying the same

Section 31 The [Auditor General] Department of Revenue shall collect all the taxes due or owing the Commonwealth on account of the tax upon the transfer of the property of a nonresident decedent as hereinbefore imposed [and shall on the first Monday of each month make report to the State Treasurer of all taxes so collected by him under the provisions of this act during the preceding month stating for what estate paid upon]

Section 35 No executor administrator or trustee of any decedent resident or non-resident shall assign or transfer any stock of any corporation of this Commonwealth or of any national banking association located in this Commonwealth standing in the name of such decedent or in the joint names of such decedent and one or more other persons or in trust for a decedent subject to the tax hereinbefore imposed until such tax has been paid unless the [Auditor General] Department of Revenue consents to such transfer prior to such payment in manner hereinafter provided

Section 36 No corporation of this Commonwealth or national banking association located in this Commonwealth shall transfer any stock of such corporation or of such banking association standing in the name of a decedent whether resident or nonresident or in the joint name of a decedent and one or more persons or in trust for such decedent unless the [Auditor General] Department of Revenue has filed with said corporation or national banking association a certificate that the tax imposed by this act on the transfer of such stock has been fully paid or otherwise consents thereto in writing and it shall be lawful for the [Auditor General either personally or by representative] Department of Revenue to examine the shares of stock of such decedent at the time of such transfer and also the transfer books of said corporation or association showing such transfer Any such corporation or association making any transfer of the stock standing in the name of a decedent resident or nonresident or in the joint names of a decedent and one or more other persons or in trust for such decedent in violation of the foregoing provisions shall be liable for the payment of the amount of the taxes to which the property so transferred is subject under the provisions of this act and in addition thereto to a penalty of one thousand dollars which liability for such tax and interest or the penalty above prescribed or both shall be enforced in an action of debt in the name of the Commonwealth of Pennsylvania brought by the [Auditor General] Department of Revenue thereof and the same when recovered shall be paid into the treasury of the Commonwealth of Pennsylvania for the use of the Commonwealth

Section 37 Whenever the tax imposed by this act upon the transfer of the stock of any corporation of this Commonwealth or national banking association located in this Commonwealth standing in the name of decedent resident or nonresident or in the joint names of the decedent and one or more persons or in trust for such decedent has been paid it shall be the duty of the [Auditor General] Department of Revenue upon the request of any interested party or of said corporation or association or upon his own motion to file with the said corporation or banking association a certificate of such payment and the [Auditor General] Department of Revenue is hereby further authorized and empowered in [his] its discretion to consent to the transfer of such stock prior to the payment of the said taxes whenever [he] it deems such transfer may be so made without prejudice or peril to the rights of the Commonwealth

Section 42 It shall be a misdemeanor for an appraiser to take any fee or reward from any executor or administrator legatee lineal decedent or heir of any decedent and for any such offense the [register or Auditor General as the case may be] Department of Revenue shall dismiss him from such service Upon conviction of such misdemeanor such appraiser shall be fined not exceeding five hundred dollars or imprisonment not exceeding one year or both

Section 10 That sections twenty-one twenty-two twenty-six and forty of said act are hereby repealed

Section 11 This act shall become effective on the first day of January one thousand nine hundred and thirty-six but nothing herein contained shall deprive any officer or agent of any fee or emolument earned by him prior to the effective date of this act

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2507, as follows:

An Act establishing creating and constituting an Investment Control and Advisory Board of the Commonwealth defining its powers and duties providing for its organization and equipment and making an appropriation for the operation and expenses of said Board for the two years ending May thirty-first one thousand nine hundred thiry-seven

Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a Board of seven members is hereby created and constituted to be known and designated as the Investment Control and Advisory Board Said Board shall consist of the following

(a) The Secretary of Revenue
(b) The Secretary of Banking
(c) The Secretary of the Commonwealth
(d) The Secretary of Education
(e) The State Treasurer
(f) Two members to be appointed by the Governor neither of whom shall be an employe or officer of the

Commonwealth and both of whim shall be experts in all matters relating to the purchase and sale of securities and investments and who shall serve at the convenience of the Governor and until their successors may be appointed

Section 2 Said Board shall have the exclusive control management and direction of the investment of all funds which under existing laws are invested by the several Departments Bureaus Boards and Commissions of the Commonwealth as well as all funds and investments which under the law any of the Departments Bureaus Boards or Commissions of the Commonwealth are now authorized to accept as collateral indemnity or security

Section 3 The Board shall also have power and is hereby directed to employ experts on investments and securities of all kinds and to have all investments and securities now owned and in the control of the several Departments Bureaus Boards and Commissions authorized under the law valued and appraised in order to determine their present values and to arrange for continuous expert advice and information in all matters relating to said investments and securities

Section 4 All existing Departments Bureaus Boards and Commissions shall at once submit to said Investment Control and Advisory Board complete lists of all investments and securities now owned showing the par value of each investment or security its date of purchase the rate of interest date of maturity and whether the principal and interest are in default The State Treasurer shall also supply and furnish to said Investment Control and Advisory Board a list of all investments and securities belonging to the several Departments Bureaus Boards and Commissions now in his possession and indicate thereon whether the same are in default as to either principal or interest

Section 5 After the passage of this Act the Departments Bureaus Boards or Commissions of the Commonwealth having under the law authority to purchase exchange or sell investments shall not purchase exchange or sell any securities or investments without the approval in writing of the said Investment Control and Advisory Board created by this Act and said Departments Bureaus Boards and Commissions shall immediately sell and dispose of such investments and securities as may be indicated and directed in writing from time to time by said Investment Control and Advisory Board All approvals orders and directions issued by the Board shall be in writing and bear the signature of the President and Secretary of the Board

Section 6 All investments and securities purchased by the present Departments Bureaus Boards and Commissions under existing laws after approval by the Investment Control and Advisory Board shall be paid for by the State Treasurer in the manner now provided for by law but only after the approval of said payments by the President and Secretary of the Investment Control and Advisory Board

Section 7 The Secretary of Revenue shall be the President of the Board and the Secretary of the Board shall be designated and elected by the Board immediately upon organization and need not be a member thereof

Section 8 The Board shall have the power to appoint a person to be known as the Statistician who shall be paid a yearly salary of not more than Six Thousand Dollars ($6,000) and having elected and appointed a Secretary shall pay said Secretary a yearly salary not in excess of Four Thousand Dollars ($4,000) and said Board shall have the power and authority to employ such clerks accountants and stenographers as may be necessary for the proper conduct of the business of the Board

Section 9 It is the distinct purpose and intention of this Act that from and after the passage and approval of the same by the Governor no Department Bureau Board or Commission now existing under the laws of the Commonwealth shall purchase or sell any investments or securities now or hereafter held by them without first having secured the approval of the Investment Control and Advisory Board in writing evidenced by the signature of the President and Secretary of said Board and that no Department Bureau Board or Commission now having authority under the law to accept investments and securities as collateral indemnity or security shall hereafter accept said collateral indemnity or security or exchange convert surrender sell or dispose of same without the consent and approval of said Investment Control and Advisory Board in writing witnessed by the signature of the President and Secretary of said Board and further all of said Departments Bureaus Boards and Commissions shall immediately dispose of all investments and securities now held by them or held by them from time to time in the future no matter in what capacity so held upon the receipt of written instructions so to do from said Invesment Control and Advisory Board signed by the President and Secretary of said Board

Section 10 That all Departments Bureaus Boards and Commissions shall furnish to the said Investment Control and Advisory Board such information and data as they may request from time to time

Section 11 Any Acts or parts of Acts now existing which may be inconsistent with this present Act are hereby superseded and repealed and it is the intention of the General Assembly that if this Act cannot take effect in its entirety because of the judgment of any Court of competent jurisdiction holding unconsitutional any part or parts thereof the remaining provisions of the Act shall be given full force and effort as completely as if the part or parts held unconstitutional had not been included herein

Section 12 For the payment of salaries wages fees or other compensation of experts auditors examiners appraisers statisticians stenographers accountants bookkeepers messenger and such other employes as may be required for the proper conduct of the work of the Board for the payment of all necessary fees charges and expenses incurred in connection with the examination audit and appraisement of all securities and investments now held by the several Departments Bureaus Boards and Commissions for the payment of a continuous valuation appraisements and advisory service for the payment of postage travelling expenses telegrams telephone toll charges freight express and for contingent and incidental expenses necessary for the work of the Board as well as for the necessary expense connected with the equipment of a proper office and forms stationery books machines and other necessary office equipment the sum of Fifty Thousand Dollars ($50,000) or so much thereof as may be necessary is hereby appropriated for the two years ending May thirty-first one thousand nine hundred thirty-seven The same to be paid out by the Treasurer of the Commonwealth as other payments are now made upon requisitions or vouchers signed by the President and Secretary of said Board

Section 13 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2911 (Senate Bill No. 1030), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Bank-

ing under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by removing the exemption in the case of certain private banks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section fifteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as last amended by the act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 15 Act Not Applicable to Small Loan Companies [and Certain Private Banks] A This act does not apply to and does not affect any act relating to corporations and persons licensed by the Department to make small loans as provided by the act approved the seventeenth day of June one thousand nine hundred fifteen (Pamphlet Laws one thousand twelve) "An act regulating the business of loaning money in sums of three hundred ($300.00) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements

[B This act likewise does not apply to any individual partnership or unincorporated association engaged in business as a private banker or private bankers if such individual partnership or unincorporated association and his or their predecessor or predecessors or one or more of the members thereof have continuously and in the same locality conducted the business since a date not less than seven years prior to the nineteenth day of June one thousand nine hundred eleven and if such individual partnership or unincorporated association on or before the sixteenth day of June one thousand nine hundred and thirty-four and continuously thereafter shall submit to periodic examination by the Comptroller of the Currency or by the Federal Reserve Bank of the district in which he or they are located and shall make and publish periodic reports of his or their condition exhibiting in detail his or their resources and liabilities such examination and reports to be made and published at the same times and in the same manner as are provided by section twenty-one of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements]

Section 2 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1882, as follows:

An Act relating to rag dolls teddy bears and toys and playthings of a similar kind regulating the making remaking renovating sterilizing disinfecting sale leasing delivering consigning and having in possession thereof with intent to sell lease deliver or consign the same providing for the tagging of such toys and playthings and fixing the fees for such tags and for adhesive stamps and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall employ or use in the making remaking or renovating of toys or playthings for children such as rag dolls teddy bears and the like any material known as shoddy or second hand material or new or second hand feathers unless since last used such shoddy or second hand material or such feathers have been thoroughly sterilized and disinfected by a reasonable process approved by the Department of Labor and Industry

Section 2 Any person engaged in the making remaking or renovating of such toys and playthings in which shoddy second hand material or feathers are used shall submit to the Department of Labor and Industry for approval a reasonable and effective process together with duplicate plans of apparatus or auxiliary devices for the sterilization of such shoddy material and feathers

Upon the approval of such process for sterilization and disinfection a numbered permit for its use shall be issued to the applicant by the Department Such permit shall expire one year from the date of approval Every person firm or corporation to whom a permit has been issued shall keep such permit conspicuously posted in his or its office or place of business Refusal to display such permit in accordance with this act shall be sufficient reason to revoke the permit

Nothing contained in this act shall prevent any person firm or corporation engaged in the making remaking and renovating for sale of any such toys and playthings from having such sterilizing and disinfecting performed by some other permittee granted a permit under this act nor if any such person or corporation has a permit under any other law relating to mattresses cushions and articles of upholstered furniture shall this act be deemed to require an additional permit providing the number of the permit shall appear in the statement on the tag attached to such toy or plaything

Section 3 All places where toys and playthings are made remade or renovated for the use of children and which shoddy second hand material or feathers are used or where materials for use therein are prepared or establishments where such toys and playthings are offered for sale or any establishment where disinfecting and sterilizing is done shall be subject to inspection by agents of the Department of Labor and Industry to ascertain whether the materials and the finished articles conform to the requirements of this act

Section 4 Each and every such rag doll teddy bear and toy or plaything of a similar kind shall bear securely attached thereto and visible on the outside covering a substantial cloth tag upon which shall be plainly and indelibly stamped or printed in English (a) a statement showing the kind of materials used in filling the same and stating whether the same are wholly new or second hand or partly second hand and (b) the number of the permit issued for sterilization and disinfection

The cloth tag required by this section shall be of such size as the Department of Labor and Industry may prescribe

Section 5 It shall be unlawful to make any false untrue or misleading statement on such tag or to remove deface alter or in any manner attempt to remove deface or alter any such tag placed on any toy or plaything in accordance with the provisions of this act

Section 6 The Department of Labor and Industry shall upon application register any applicant and assign a registry number by which number said applicant shall thereafter be known and designated in applying and enforcing the tagging inspection and adhesive stamp provisions of this act and shall furnish to such applicant adhesive stamps in quantities of not less than one thousand for which the applicant shall pay ten dollars for each one thousand stamps which said payment and charge shall constitute an inspection charge for the purpose of enforcing this act The Department of Labor and Industry is authorized to prepare and have printed adhesive stamps which shall contain a replica of the seal of the Commonwealth the registry number of the person applying therefor and such other matter as the Department shall direct

No person shall sell lease offer to sell or lease or deliver or consign for sale or lease or have in possession with intent to sell lease deliver or consign in sale or lease in this Commonwealth any toy or plaything covered by this act unless there be affixed to the tag provided for in this act by the person manufacturing or renovating the same an adhesive stamp prepared and issued by the Department of Labor and Industry as herein provided

All proceeds of the sale of stamps and all fines collected under the provisions of this act shall be paid to the Department of Labor and Industry which shall pay the same into the State Treasury through the Department of Revenue

Section 7 The Department of Labor and Industry through its officers and employes is hereby charged with the administration and enforcement of this act and shall have power to seize and hold for evidence at a trial for the violation of this act any toy or plaything offered for sale or made in violation of this act

The Department of Labor and Industry shall make reasonable rules and regulations for the enforcement of this act

Section 8 Any person violating any of the provisions of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than ten dollars ($10) and not more than fifty dollars ($50) for each offense and in default of such fine to undergo an imprisonment of not less than ten days for each separate offense provided that the total term of imprisonment at one time for additional offense shall not exceed six months

Each toy or plaything made remade or renovated sold or offered for sale delivered consigned or possessed with intent to sell deliver or consign contrary to the provisions hereof shall constitute a separate offense

Each imitated or counterfeited adhesive stamp made used sold offered for sale delivered or consigned contrary to the provisions hereof shall constitute a separate offense

The Department of Labor and Industry may revoke any permit issued under the provisions of this act if the person firm or corporation to whom the permit is issued has violated any of the provisions of this act or the rules and regulations of the Department

Section 9 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 10 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2953 (Senate Bill No. 1354), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking fish and changing the season and creel limits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2940 (Senate Bill No. 1426), entitled:

An Act prohibiting others than members of the Bar to practice low and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who shall practice law within this Commonwealth without being a member of the Bar of a Court of Record shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or shall suffer imprisonment not exceeding six months or both or either at the discretion of the court

On the question,

Will the House agree to the section?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1, line 4, by inserting after the word "law" and before the word "within," the following: "Which among other things embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients, before Judges, Masters, Referees, Boards, Commissions and Courts."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The second section and title were separately read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

An Act prohibiting others than members of the Bar to practice law and providing penalties

And said bill having been read at length the second time and agreed to, as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2921 (Senate Bill No. 1383), entitled:

An Act to clarify certain surface lands as auxiliary forest reserves to prescribe the terms and conditions of their continuance in such classification or removal therefrom defining the duties of the Secretary of Forests and Waters of the county commissioners and of the county treasurer of the respective counties in connection therewith providing for the appointment of viewers and appraisers providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers and from the action of the Secretary of Forests and Waters providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof provided for the ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom permitting the removal of certain trees from lands so classified by the owners thereof providing that lands so classified may be sold only subject thereto prescribing the method of assessment of such lands during their continuance in such classification making it a misdemeanor to cut fell and remove trees from lands so classified and defining the punishment therefor validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forests reserve lands under prior acts of Assembly and repealing all acts or parts of acts inconsistent herewith.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2918 (Senate Bill No. 1317), entitled:

An Act requiring authorities in charge of State State-aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3012 (Senate Bill No. 896), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothontaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2981 (Senate Bill No. 1399), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" limiting payments to widows under the act who lived with and were dependent on the veteran at the time of his death except under certain circumstances and providing for the establishment of presumption of death in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2923 (Senate Bill No. 1386), entitled:

An Act to amend section one thousand four hundred and two of the act approved the ninth day of of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescrib-

ing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" establishing a board for the determination and payment of minor damages caused by the National Guard.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON HOUSE BILL NO. 2831 (SENATE BILL NO. 39)

The SPEAKER. The Chair lays before the special order on third reading and final passage on House Bill No. 2831, Senate Bill No. 39, fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2831, (Senate Bill No. 39), as follows:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes newspaper boys and farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trade and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the employment of women and minors in trade and industry in the Commonwealth of Pennsylvania at wages unreasonably low and not fairly commensurate with the value of the services rendered is a matter of grave and vital public concern for the following reasons

(a) Many women and minors employed for gain in the Commonwealth of Pennsylvania are not as a class upon a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory

(b) Since a very large percentage of such workers are obliged from their week to week wages to support themselves and others who are dependent upon them in whole or in part they are by reason of their necessitous circumstances forced to accept whatever wages are offered them

(c) Judged by any reasonable standard wages are in many cases fixed by chance and caprice and the wages accepted are often found to bear no relation to the fair value of the service rendered

(d) Women and minors employed for gain are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as existed tend to be set by the least conscionable employers

(e) In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry

In view of the foregoing it is hereby declared that the evils of oppressive unreasonable and unfair wages, as they affect women and minors employed in this Commonwealth are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well-being and in the prevention of the deterioration of the race

Section 2 The following terms shall be construed to have the following meaning except in those instances where the context clearly indicates otherwise

(a) "Secretary" shall mean the Secretary of Labor and Industry

(b) "Wage board" shall mean a board created as provided in section five of the act

(c) "Woman" shall mean a female of twenty-one years or over

(d) "Minor" shall mean a person of either sex under the age of twenty-one years

(e) "Occupation" shall mean an industry trade business or branch thereof or class of work therein in which women or minors are gainfully employed but shall not include domestic service in private homes or newspaper boys lawfully engaged in the business of buying selling delivering exposing or offering for sale any newspaper magazine periodical or other publication or labor on a farm or newspaper boys lawfully engaged in the business of buying and selling exposing or offering for sale any newspaper magazine periodical or other publication

(f) "An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health

(g) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered In establishing a minimum fair wage for any service or class of service under this act the department and the wage board without being bound by technical rules of evidence or procedure may take into account all relevant circumstances affecting the value of the service or class of service rendered and be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and may consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

(h) "A mandatory order" shall mean an order the violation of which shall be subject to the penalties prescribed in section sixteen (b) of this act

(i) "Directory order" shall mean an order the nonobservance of which may be published as provided in section ten of this act

(j) "Employer" shall mean every person firm copartnership association or corporation who or which employs women or minors in any occupation as herein defined but shall not include the Federal government the Commonwealth or any county city borough incorporated town township or school district

(k) "Department" shall mean the Department of Labor and Industry of this Commonwealth

Section 3 It is hereby declared to be against the public policy of the Commonwealth for any employer to employ a woman or a minor in any occupation heretofore defined in this act in this Commonwealth at an oppressive and unreasonable wage Any contract agreement or understanding for or in relation to such employment at an oppressive and unreasonable wage shall be null and void

Section 4 The department shall have full power and authority and its duty shall be

(a) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(b) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether

the orders of the department issued under this act have been and are being complied with

(c) Whenever deemed necessary to require from such employer full and correct statements in writing of the wages paid to all women and minors in his employment and

(d) To carry out the provisions of this act

Section 5 The department either upon its own initiative or upon the petition of fifty or more residents of the Commonwealth shall have power to make an investigation of the wages being paid to women or minors in any occupation or occupations to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages If on the basis of information in the possession of the secretary with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages the department shall appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations

Section 6 (a) A wage board shall be composed of not more than three representatives of the employers in any occupation or occupations an equal number of representatives of the employes in such occupation or occupations and of not more than three disinterested persons representing the public one of whom shall be designated as chairman Members of a wage board shall be citizens of Pennsylvania The representatives of the employers and employes shall be selected by the department so far as practicable from nominations submitted by employers and employes in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the report of such wage board shall require a vote of not less than a majority of all its members Members of a wage board shall serve without pay but shall be reimbursed for all necessary traveling expenses The department shall make and establish from time to time rules and regulations not inconsistent with this act governing the selection of wage boards and their mode of procedure

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the court A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions

(c) The department shall present to a wage board promptly upon its organization all the evidence and information in the possession of the department relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which the department deems relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the committee any witnesses whom it deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberations

All witnesses subpoenaed by the wage board shall be entitled to the fees and mileage fixed by law in civil cases In case of failure on the part of any person to comply with any subpoena of the wage board or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board it shall be the duty of the Court of Common Pleas of Dauphin County on the application of a member of the wage board to compel obedience in the same manner that such obedience would be compelled by contempt proceedings or otherwise in a proceeding pending before said court

(d) Within sixty days of its organization a wage board shall submit to the department a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the department may constitute a new wage board

(e) A wage board may recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(f) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and 'apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

Section 7 Upon receiving a report from a wage board the department shall within ten days either accept or reject such report If the report is rejected the department shall resubmit the matter to the same wage board or to a new wage board together with a statement of the reasons for the resubmission If the report is accepted the department shall cause it to be published together with such proposed administrative regulations as the department deems appropriate to supplement the report of the wage board and to safeguard the minimum fair wage standards to be established and notice shall be given of a public hearing to be held by the department not sooner than fifteen nor more than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

Section 8 Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may resubmit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the department may deem appropriate to implement the report of the wage board and to safeguard the established minimum fair wage standards Such administrative regulations may include among other things regulations defining and governing learners and apprentices their rates number proportion or length of service piece rates or their relations to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances In view of the diversities and complexities of different occupations and the dangers of evasion and nullification the department may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the department may find appropriate to safeguard the basic minimum rates established

Section 9 The department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment in an occupation and at such wages less than the minimum fair wage rates established for such occupation and for such period of time as shall be fixed by the department and stated in the license

Section 10 If the department has reason to believe that any employer is not observing the provisions of any directory order made by it under this act the department may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be published as having failed to observe the provisions of such order If after such hearing the department shall find that such employer is guilty of nonobservance the department may cause to be published in a newspaper or newspapers circulating within the Commonwealth of Pennsylvania or in such other manner as the department may deem appropriate the name of any such employer or employers as having failed in the respects stated to observe the provisions of the directory

order of the department Neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor employe thereof shall be liable to an action for damages for publishing the name of any employer as provided for in this act unless guilty of some wilful misrepresentation

Section 11 If at any time after a directory minimum fair wage order has been in effect for two months the department is of the opinion that the persistent nonobservance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor more than thirty days after such publication at which all persons in favor of or opposed to the proposed mandatory order may be heard by the department After such hearing if the department adheres to its opinion the department may make the previous directory order or any part thereof mandatory and so publish it

Section 12 At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own initiative and shall on petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner heretofore prescribed in this act Provided That if the order under reconsideration has heretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

Section 13 The department may at any time and from time to time propose such modifications of or additions to any administrative regulations included in any directory or mandatory order of the department without reference to a wage board as the department may deem appropriate to effectuate the purposes of this act provided such proposed modification or additions could legally have been included in the original order In such event notice shall be given of a public hearing to be held by the department not less than fifteen days after such publication at which all persons in favor of or opposed to such proposed modifications or additions may be heard After such hearing the department may make an order putting into effect such proposed modifications of or additions to the administrative regulations as it deems appropriate If the order of which the administrative regulations form a part has theretofore been made mandatory in whole or in part by the department then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 14 All questions of fact arising under this act except as otherwise provided shall be decided by the department and there shall be no appeal from its decision on any such question of fact but there shall be a right of review by the courts from any ruling or holding on a question of law included or embodied in any decision or order of the department

Section 15 Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each the wages paid by him to each and shall furnish to the department upon demand a sworn statement of the same Such records shall be open to inspection by the secretary or any authorized representative of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed Employers shall be furnished copies of orders by the department on request without charge

Section 16 (a) Any employer and his agent or any officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200)

(b) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than two hundred dollars ($200) or to undergo imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment in the discretion of the court and each week in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employe so paid less shall constitute a separate offense

(c) Any employer or the officer or agent of any corporation who shall fail to keep the records required under this act or to furnish such records to the secretary or any authorized representative of the department upon request shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and each day of such failure to keep records requested under this act or to furnish the same to the secretary or any authorized representative of the department shall constitute a separate offense

Section 17 If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court Any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the secretary in his discretion may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

Section 18 If any provisions of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 19 This act shall take effect thirty days after its enactment into law

On the question,

Will the House agree to the bill on third reading?

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 2, page 4, line 11, by striking out beginning with the word "but" the remainder of the line and on line 12, strike out the word "homes" at the beginning of the line.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears objection and consent is not given.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

MOTION TO RECONSIDER VOTE

Mr. REYNOLDS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered

On the question,

Will the House agree to the motion?

Mr. REYNOLDS. Mr. Speaker and members of the House, I consider this one of the most important bills that has been presented in this House during this session.

I read here in Section 1-b, on page 2, "since a very large percentage of such workers are obliged from their week to week wages to support themselves and others who are dependent upon them in whole or in part, they are, by reason of their necessitious circumstances forced to accept whatever wages are offered them.

c "Judged by any reasonable standard wages are in many cases fixed by chance and caprice and the wages accepted are often found to bear no relation to the fair value of the service rendered.

d "Women and minors employed for gain are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as exist tend to be set by the least conscionable employers."

The reason I made the motion to reconsider was to offer these amendments. The amendments take out of the bill the exception of the class of workers that are least protected.

This bill in the language I have just read seems to be fair, but in keeping with the bill, they have eliminated those people who need the protection most, and that is the domestic servants. The domestic servants of the Commonwealth of Pennsylvania are subjected to all kinds of ignorant employers, such as are referred to here, and they are making conditions that are absolutely deplorable. In the city of Philadelphia domestic servants are working for from four to eight dollars a week, and I say that any man, that any woman in this House who can vote for a bill that would eliminate that type of employee certainly must not have a heart in their body.

I ask that the House vote to reconsider the vote.

Mr. SOWERS. Mr. Speaker and members of the House, the question now before the House is the same question that arose on the Haluska bill: Whether or not domestic servants should be included within the minimum hours bill that was before the House at that time.

I ask the members to vote for this motion to reconsider, so that the Salus bill can at least be put in the same class as the bill that passed this House.

Mr. YOURISHIN. Mr. Speaker and members of the House, this is the bill of Senator Salus that was sent over here from the Senate and was amended here to conform slightly to the bill that was sent from this House over to the Senate.

The amendments which are put here only change those which take the case from a court to a board of nine to be appointed by the Department of Labor and Industry, and if you are going to put the amendments in here now to include domestic help, the Senate will not go along with it. They sent the Haluska bill back after taking the domestics out of it.

I ask the members of the House to vote down this motion.

Mr. REYNOLDS. Mr. Speaker and members of the House, I think the gentleman from Luzerne, Mr. Yourishin, when he said that the Senate would not go along is in error. I have conferred with quite a number of the Senators and they tell me that they are perfectly willing to go along. They also stated to me that the labor unions and the labor people throughout Pennsylvania have persistently asked for the same thing for their members, but as regards these people who are not organized, it seems to me that the labor unions are not interested in them.

I do not feel that is fair to say what the Senate would do without giving them a chance. The Republican majority in the Senate is perfectly willing—

POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ANDREWS. Mr. Speaker, the proposed or prospective amendments are not before the House. They have not been offered and are not properly a matter of debate.

The SPEAKER. The point of order is well taken. The question before the House is the motion to reconsider the vote by which this bill passed third reading.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. REYNOLDS and Mr. SOWERS.

Mr. REYNOLDS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—60

Atkins,	Flynn,	Nothnagle,	Stockham,
Baine,	Gates,	Peters,	Surface,
Baldi,	Habbyshaw,	Pfaff,	Terry,
Barnhardt,	Hart,	Reynolds,	Trout,
Bernhard,	Hefferon,	Root,	Turner,
Blumberg,	Hoopes,	Shepard,	Van Allsburg,
Boyd, R.,	Jackson,	Shreiner,	Wall,
Brennan,	Jones,	Simpson,	Wasserman,
Castor,	Kelder,	Sloan,	Weidemann,
Condon,	Longaker,	Snyder, F. E.,	White,
Conner,	Male,	Snyder, J. L.,	Wickersham,
Cordier,	Mallen,	Sowers,	Winner,
Davies,	McDevitt,	Spangler,	Witkin,
Dent,	Moore,	Sproul,	Woodside,
Duffort,	Muir,	Stewart,	Yeakel,
Ferko,			

NAYS—104

Achterman,	Dilley,	McCreary,	Scanlon,
Alexander,	Downey, G. E.,	McDermott,	Schrock,
Allen,	Eroe,	McElroy,	Schrope,
Andrews,	Falkenstein,	McHenry,	Schwab,
Arnold,	Finnerty,	McKinney,	Shaw,
Aukerman,	Fitch,	Melchiorre,	Shortz,
Baker, J. J.,	Flanagan,	Mentzer,	Shugarts,
Barber,	Furman,	Merrell,	Siegel,
Boose,	Gerard,	Moomaw,	Sinwell
Boyer,	Haberlen,	Mooney,	Smith, J. A
Bradley,	Hagerty,	Moran,	Stank,
Brancato,	Haluska,	Murrin,	Stevens,
Brown, J. E.,	Hamilton, F. P.,	Nagel,	Stone,
Brownfield,	Harkins,	Ominsky,	Sumney,
Brumbaugh,	Hermansen,	O'Neill,	Tronzo,
Burke,	Hindman,	Panton,	Tumelty,
Cannon,	Hirsch,	Patterson, C.,	Van Sickle,
Caputo,	Holstrom,	Patterson, J. W.,	Walker,
Carson,	Horst,	Pearson,	Weiss,
Chervenak,	Kane,	Perry,	Welliver,
Coakley,	Kelso,	Powers,	Welsh,
Cochran,	Kilroy,	Reising,	Westrick,
Cohen,	Kinney,	Rinn,	Yourishin,
Coleman,	Kobelak,	Robinson,	Zappala,
Coolahan,	LaRue,	Ruffennach,	Sarig,
Decker,	Long,	Ruth,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jones,	Reising,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,	Shepard,	

NAYS—4

Altenburg,	Conner,	Jackson,	Reynolds,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments in which the concurrence of the Senate is requested.

HONORABLE GEORGE E. ALTER INTRODUCED.

The SPEAKER. It is a great pleasure to have with us one of the most distinguished citizens of Pennsylvania and a former Speaker of this House.

The Chair takes pleasure in asking the gentleman from Allegheny, Mr. Zappala, to escort to the Chair the gentleman referred to, a former Representative, George E. Atler of Pittsburgh, Pennsylvania, and a former Speaker of this House.

Ladies and Gentleman former Speaker Alter of Pittsburgh will now greet you.

REMARKS BY HONORABLE GEO. E. ALTER.

Mr. ALTER. Mr. Speaker and members of the House, it is always a pleasure to me to look in upon this House sometime during its biennial session, because it brings to mind very pleasant thoughts—not always so pleasant perhaps, but I did spend at this desk very happy times and also some very anxious moments.

I recall that as the time of the House was near to expiration, as the time was growing shorter and shorter and members had bills which they were rather anxious about, as to whether they should be reached before adjournment, at least to me when I was a member down on the floor, it was never a very great delight to have former members called up here to make a speech, occupying time which might otherwise have gone to my bill and other bills. Therefore, I will say very little, but I do want to express my greetings and good wishes to the members of the House.

As I say, it is always a pleasure to look in upon the House, to bring back the old recollections that grow more and more precious as time goes by, but in pursuance of my thought that the members on the floor are reluctant to take up too much time with former members and their reminescents, I think I shall merely on this occasion take the time to say that I greet you most cordially; that I hope you may go home feeling that you have done your part. I hope you may go home in good health and with clear consciences.

I thank you ladies and gentleman, as members of the House.

SPECIAL ORDER ON HOUSE BILL NO. 2928 (SENATE BILL NO. 19)

The SPEAKER. The Chair now lays before the House the special order on third reading and final passage on House Bill No. 2928, Senate Bill No. 19, fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2928 (Senate Bill No. 19), as follows:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers

and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight eleven twelve seventeen twenty one and twenty-two of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors by forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" are hereby amended to read as follows

Section 2 No minor under [fourteen] sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation except that a minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance Provided however That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment

Section 4 No minor under [sixteen] eighteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation for more than six consecutive days in any one week or more than [fifty-one] forty-four hours in any one week or more than [nine] eight hours in any one day [or]

No minor under sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation before [six] seven o'clock in the morning or after [eight] seven o'clock in the evening of any day Provided That male minors over the age of fourteen may be employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication for not more than fifty-one hours in any one week or more than nine hours in any one day and after six o'clock in the morning and before eight o'clock in the evening In computing the maximum number of hours per day or per week permitted under this act the hours spent in school by said minors shall be considered as part of the working day or working week

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in about or in connection with any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 5 No minor under sixteen years of age shall be employed or permitted to work in [operating or assisting in operating any of the following machines which for the purposes of this act are considered dangerous Paper-lace machines job or cylinder printing-presses operated by power other than foot-power stamping machines used in sheet metal and tinware or in paper or leather manufacturing or in washer and nut factories metal or paper cutting machines corrugating-rolls such as are used in making corrugated paper or in roofing or washboard factories dough-brakes or cracker machinery of any description wire or iron straightening or drawing machinery rolling-mill machinery power punches or shears washing or grinding or mixing machinery calender-rolls in paper and rubber manufacturing or other heavy rolls driven by power laundering machinery upon or in connection with any dangerous electrical machinery or appliances Nor shall any minor under sixteen years of age be employed or permitted to work in any capacity in adjusting or assisting in adjusting any belt to any machinery or in proximity to any hazardous or unguarded belts machinery or gearing while the same is in motion] about or in connection with any manufacturing or mechanical occupation or process nor on scaffolding nor in heavy work in the building trades nor in stripping or assorting [or manufacturing] tobacco nor in any tunnel [nor in a public bowling-alley nor in a pool or billiard-room nor in the manufacture of paints colors or white-lead nor in any capacity in preparing compositions in which dangerous leads or acids are used nor in the manufacture or use of dangerous or poisonous dyes] nor upon any railroad steam electric or otherwise nor upon any boat engaged in the transportation of passengers or merchandise nor in operating motor-vehicles of any description nor in any anthracite or bituminous coal-mine or in any other mine [nor about blast-furnaces nor in or about any distillery brewery or any establishment where alcoholic liquors are manufactured or bottled]

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines in oiling or cleaning machinery in motion in the operation or use of any polishing or buffing-wheel at switch-tending at gate-tending at track-repairing as a brakeman fireman engineer or motorman or conductor upon a railroad or railway as a pilot fireman or engineer upon any boat or vessel in the manufacture of paints colors or white lead in any capacity in preparing compositions in which dangerous leads or acids are used in the manufacture or use of dangerous or poisonous dyes in any dangerous occupation in or about any mine nor in or about [establishments] any establishment wherein gunpowder nitroglycerine dynamite or other high or dangerous explosive is manufactured or compounded [as a chauffer of an automobile or an aeroplane]

No minor under eighteen years of age shall be employed or permitted to work in about or in connection with any establishment where alcoholic liquors are distilled rectified compounded brewed manufactured bottled sold or dispensed nor in a public bowling alley nor in a pool or billiard room

[No minor shall be employed or permitted to work in or in connection with any saloon or bar-room where] [alcoholic liquors are sold] No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors

In addition to the foregoing it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any [other] occupation dangerous to the life or limb or injurious to the health or morals of the said minor as such occupations shall from time to time after public hearing thereon be determined and declared by the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason

invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section

Section 8 Before any minor under [sixteen] eighteen years of age shall be employed permitted or suffered to work in about or in connection with any establishment or in any occupation the person employing such minor shall procure and keep on file and accessible to any attendance officer deputy factory inspector or other authorized inspector or officer charged with the enforcement of this act an employment certificate as hereinafter provided issued for said minor

Section 11 Employment certificates shall be of two classes general employment certificates and vacation employment certificates General employment certificates shall entitle [the] a minor [fourteen] sixteen to [sixteen] eighteen years of age to work during the entire year Vacation employment certificates shall entitle [the] a minor fourteen to [sixteen] eighteen years of age to work as herein provided on any day except at such times on such days as such minor is required to attend school under the provisions of the laws now in force or hereafter enacted Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

Section 12 The official authorized to issue a general or a vacation employment certificate shall not issue such certificate until he has received examined approved and filed the following papers namely

a A statement signed by the prospective employer or by some one duly authorized on his behalf stating that he expects to give such minor present employment and setting forth the character of the same and the number of hours per day and per week which said minor will be employed

b [A school record as hereinafter provided]

[c] A certificate of physical fitness as hereinafter provided

[d] c Proof of age as hereinafter provided

Section 17 It shall be the duty of every person who shall employ any minor under [sixteen] eighteen years of age to acknowledge in writing to the official issuing the same the receipt of the employment certificate of said minor within three days after the beginning of such employment On termination of the employment of a minor under [sixteen] eighteen years of age the employment certificate issued for such minor shall be returned by mail by the employer to the official issuing the same immediately upon demand of the minor for whom the certificate was issued or otherwise within three days after termination of said employment The official to whom said certificate is so returned shall file said certificate and preserve the same Any minor whose employment certificate has been returned as above provided shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer as hereinabove provided accompanied by a certificate of physical fitness issued in the manner hereinabove provided and based upon a reexamination of said minor and certifying that the minor is physically able to undertake the work for which the new employment certificate is to be issued

Section 21 It shall be the duty of every person who shall employ any minor under the age of [sixteen] eighteen years to post and keep posted in a conspicuous place in every establishment wherein said minor is employed permitted or suffered to work a printed [copy] abstract of the sections of this act relating to the hours of labor and a list or lists of all minors employed under the age of [sixteen] eighteen years and a schedule of the hours of labor of such minors The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week the hours for commencing and stopping work and the hours when the time allowed for meals shall begin and end for each day of the week Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule Such copies of the [sections] abstracts of this act and blanks for compliance with [the] its provisions shall be prepared by the Department of Labor and Industry and be furnished by it on application of such employer Every person employing minors under [sixteen] eighteen years of age shall furnish the employment certificates and lists provided for in this act for inspection to attendance officers factory inspectors or other authorized inspectors or officers charged with the enforcement of this act

Section 22 Whenever any minor shall be employed or permitted to work in any establishment or at any occupation who in the judgment of any officer charged with the enforcement of this act is under the legal age for such work or is working at a time forbidden by law for such minor or whenever any minor shall be employed or permitted to work in or in connection with any establishment who in the judgment of any officer charged with the enforcement of this act is under [sixteen] eighteen years of age and for whom the person employing or permitting such minor to work shall not have on file an employment certificate such officer may demand from the person employing or permitting such minor to work that he shall either furnish to such officer within ten days evidence of age as defined in section fifteen of this act that such minor is in fact of legal age for the work in which he is engaged or over or [sixteen] eighteen years of age or over as the case shall be or shall cease to employ or permit such minor to work as aforesaid Provided That such person by thus ceasing to employ or permit such minor to work shall not be relieved from any of the fines or penalties provided in this act for the employment or work of a minor contrary to law In case such person shall fail to furnish to said officer within ten days after the making of such demand the required evidence of age and shall thereafter employ such minor or permit him to work as aforesaid proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such minor in any prosecution brought therefor

Section 2 That section fourteen of said act as amended by the act approved the twenty-first day of March one thousand nine hundred and twenty-nine (P. L. 45) is hereby further amended to read as follows

Section 14 The certificate of physical fitness required by this act shall [be signed by a physician approved by the board of school directors of the school district in which said minor resides and shall] state that the [said] minor has been thoroughly examined by the said examining physician at the time of the application for an employment certicate and is physically qualified for the employment specified in the statement of the prospective employer In any case where the said physician shall deem it advisable he may issue a certificate of [his] physical fitness for a limited time at the expiration of which time the holder shall again appear and submit to a new examination before being permitted to continue at work Provided however That in a school [districts] district of the first second or third [and fourth classes] class the physical examination of a minor provided for by this act shall be made by a physician employed by the board of school directors of the school district in which such minor resides [or employed by the Commonwealth as the case may be]and in a district of the fourth class by a physician appointed by the State Department of Health that the certificate of physicial fitness provided for by this act shall be signed by said physician and that no fee or other compensation for such service shall be required to be paid by such minor or by his parent or guardian

Section 3 That section three of said act as amended by the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 442) and sections thirteen sixteen and nineteen of said act are hereby repealed

Section 4 This act shall go into effect immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2380, as follows:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the officer person body or committee in charge of the liquidation of any State bank bank and trust company or trust company following surrender of the liquidation thereof by the Secretary of Banking in the manner provided by law shall have power to borrow money from any agency or instrumentality of the United States Government except from National banks or of the Commonwealth of Pennsylvania and pledge to hypothecate as security therefor any real or personal property of the institution for the purpose of expediting the liquidation of the assets of such institution

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2485, as follows:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or an alteration or abolition of existing crossings on State highways in townships or boroughs when the Federal Government is paying all of the costs of construction

authorizing agreements with townships boroughs counties and railroad companies and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That the Department of Highways in the discretion of the Secretary of Highways by written declaration filed with the Public Service Commission may assume and pay all or any part of the property damages for land or buildings thereon taken injured or destroyed in the elimination of a grade crossing or in the alteration or abolition of an existing overhead or undergrade crossing on a State highway route within any townships or any borough of the Commonwealth provided however that the payment of all or any part of such property damages shall be limited solely to cases where the costs of construction are being paid by the Federal Government

Section 2 In such cases the Secretary of Highways is hereby authorized to enter into agreements with counties townships boroughs and railroad companies for sharing all or any part of the property damages Any monies received under the terms of such agreements shall be deposited in the Motor License Fund

Section 3 So much of the money in the Motor License Fund as may be necessary from time to time to carry out the provisions of this Act are hereby appropriated to the Department of Highways for such purpose

Section 4 This act shall become effective immediately upon its approval by the Governor

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2050, as follows:

An Act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocation made with the consent of the county and also for the construction of sidewalks

Section 1 Be it enacted by the Senate and House of Representaitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as last amended by the Act approved the eighth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand six hundred fifty-one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That any county of this Commonwealth may appropriate and expend moneys and incur such indebtedness and issue bonds or other obligations therefor as may be necessary to pay all or any portion of the damages to property resulting from any widening or relocation made with the consent of the county or to pay for the improvement and maintenance of any State highway or State-aid highway or any public highway including sidewalk construction within its proper limits Provided however That no improvement can be made to any State highways or State-aid highways until the same has been submitted to and approved by the State Highway Department And provided further that no county shall appropriate and expend any of such moneys for the improvement and maintenance of any public highway other than a State highway or State-aid highway or county road where the highway is to be improved jointly by the township or borough or city and county until and unless the supervisors or commissioners of the township or council of the city or borough in which the highway proposed to be improved lies shall first petition the county commissioners of the county representing that any highway or section thereof lying within such township or borough or city on which it is proposed that said money shall be expended is in need of reconstruction or repair and particularly describing said highway and until and unless the said application has been submitted to and approved by the State Highway Department And provided further That when the improvement and mainte-

nance of any public highway in the county is desired by the county without the intervention of the township or borough or city the commissioners of said county may make application for approval direct to the State Highway Department.

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hofiner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1250, as follows:

An Act To provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith conferring powers and imposing duties on certain county and city officers and on the State Department of Revenue and fixing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That MEANING OF TERMS As used in this act and unless a different meaning appears from the context

(a) The term "intangible" or "intangibles" shall apply to mean and include all mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section thirty-nine hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other State or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section thirty-nine hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank corporation or limited partnership that may be liable to a tax on its shares or its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all annuities yielding annually over two hundred dollars

(b) The term "intangible" or "intangibles" shall not apply to mean nor include (1) bank notes or notes discounted or negotiated by any bank or banking institution saving institution or trust company (2) nor loans shares of stock or other securities held by bankers or brokers solely for trading purposes (3) nor accounts or debit balances owing by customers of bankers or brokers in the usual courses of business (4) nor interest bearing accounts in any bank or banking institution savings institution or trust company (5) nor any intangibles owned held or issued by building and loan associations or savings institutions having no capital stock Provided That if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying said tax on any of such intangibles as may be held owned by or owing to the said savings institution having no capital stock (6) nor any intangibles owned or held by fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions (7) nor any intangibles owned in their own right by corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes but corporations limited partnerships and joint-stock associations holding intangibles as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed upon all intangibles so held by them as in the case of individuals (8) nor any intangibles hereafter received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pur-

suance of any law of the United States or of any State or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth

(c) Intangibles are hereby classified as "current intangibles" and "annual intangibles"

(1) Current intangibles shall include all intangibles that are made issued or executed to mature or to be paid discharged or retired within one year from the date the same are made issued or executed or within one year from the date this act takes effect

(2) Annual intangibles shall include all other intangibles

(d) The term "person" shall include a natural person fiduciary partnership association corporation and any and every multiple group that may have the capacity to own or hold property or the custody thereof

(e) The term "fiduciary" shall mean and include an executor administrator guardian receiver trustee agent attorney-in-fact and any person group or association of persons acting in any trust capacity in the control management or operation of any property

(f) The term "stamp" or "stamps" shall have reference to and mean the adhesive stamp provided by the terms of this act to be attached to intangibles

(g) The term "board" shall mean the board of revision of taxes in cities and counties of the first class or the board for the assessment and revision of taxes in counties where such board exists or the board of county commissioners in all other counties

(h) In respect to cities coextensive with counties the term "county" shall include also any such city the term "county treasurer" or "treasurer" shall include also the city treasurer of such city the term "county controller" or "controller" shall include also the city controller of such city the term "county solicitor" shall include also the city solicitor of such city the term "collector of county taxes" "tax collector" or "collector" shall include also the department of receiver of taxes of such city and the term "county commissioners" shall include also the city council of such city and shall not include the county commissioners of any such county

(i) The term "tax" shall include any stamp required to be affixed to any intangible

(j) The term "taxpayer" shall mean any person required to pay any tax or affix any stamp required by the provisions of this act on intangibles

(k) The term "accrue" or "accrual" means the date on which any tax imposed by this act on intangibles becomes due

(l) The term "bank" or "trust company" shall mean any bank of discount and deposit loan and trust and safe deposit company private bank savings bank or trust company organized under any law of this State or any bank organized under any law of the United States

Section 2 PRIVILEGE TAX TRANSACTIONS On and after the first day of January one thousand nine hundred and thirty-six every person residing in or domiciled in any county of this State shall pay a tax to such county and in cities coextensive with counties to such city and county for county or city and county purposes as the case may be and for State purposes at the rate and in the manner provided in this act for the right to exercise any one or more of the following privileges

(a) Signing executing and issuing intangibles

(b) Selling assigning transferring renewing removing consigning mailing shipping trading in and enforcing intagibles

(c) Receiving the income increase issues and profits of intangibles

(d) Having and possessing the right to transmit the same by will and of making gifts thereof and therefrom and of having the right to allow such property to pass to other persons by descent under the intestate laws of this State

(e) For the right to have such intangibles separately classified for taxes levied assessed and collected on account thereof or measured thereby

Such tax at the rate provided in this act shall be measured by intangibles wherever located

(a) Owned by any taxpayer except his intangibles having an actual business situs outside this State

(b) Controlled by any person or fiduciary and having a business situs in this State and in the possession of or under the control or management of any such person or fiduciary

Section 3 RATE OF TAX A tax at the rate of six mills on each dollar of the value thereof is hereby imposed on all intangibles Such tax shall be payable as follows (a) Six cents of each ten dollars or fractional part thereof of the actual value of every current intangible and (b) six cents per annum or fractional part thereof over one year on each ten dollars of the actual value or fractional part thereof of each annual intangible

Section 4 COMPUTATION OF TAX Except as otherwise provided for the purpose of measuring and computing the tax imposed by this act in respect of any intangible and unless and until such intangible has been otherwise assessed and valued as authorized by this act (a) any intangible having a face value shall prima facie continuously have an actual value equal to not less than the full value thereof and (b) any intangible not having a face value shall have an actual value in the amount determined by the board and the owner thereof shall cause said amount to be determined

Any intangible listed and traded in on any market recognized by the board shall have an actual value for the purpose of this act equal to the value thereof on such market as of the day such tax accrued

Section 5 ASSESSMENT APPLICATION HEARING Before the time the tax for any period is due under the terms of this act and before the payment of such tax the owner of any intangible who shall desire or who shall be required by the terms of this act to have the actual value thereof determined or redetermined for the purposes of computing or measuring the tax imposed in respect thereof may apply to the board for such valuation The board shall fix a time and place when and where the applicant may be heard concerning the actual value of such intangible and shall cause or allow evidence concerning the value of such intangible to be introduced and after such hearing the board shall fix the then actual value of such intangible Any taxpayer of such county may appear at such hearing and offer evidence concerning the actual value of any such intangible The board shall prescribe and promulgate rules for the conduct of such hearings and for determining the value of any such intangible

Section 6. ASSESSMENT APPEAL REFUND Any person aggrieved by any order judgment or determination of the board after paying the tax may within thirty days from the entry of such order judgment or determination appeal therefrom to the court of common pleas of the county in which such person resides Such cause shall be tried de novo by the court without a jury on petition filed in such court by the taxpayer so appealing and summons shall issue on such petition to and be served on the board as in other civil actions Either party to such suit may appeal to the Supreme or Superior Court in the same manner as appeals are taken in civil actions Upon the final determination of such suit the court may enter judgment for the refund of any tax paid in excess of that property required by law or may render judgment against the petitioner for any deficiencies in tax found due

Section 7 METHOD OF PAYMENT Except as otherwise provided in this act such tax shall be paid on account of each intangible by attaching thereto a stamp or stamps for the proper amount of such tax on each intangible at the time and in the manner and amount provided or required by the terms of this act

Section 8 CURRENT INTANGIBLES STAMPING DATE On all current intangibles executed after the tak-

ing effect of this act the required stamps as provided by the terms of this act shall be attached within ten days from the time of the execution of such intangible If any current intangible shall not be paid or otherwise discharged at the maturity date thereof as shown by such instrument or within one year from the date of its execution then for the purposes of this act it shall become an annual intangible and be stamped each year in the same manner and amount as other annual intangibles are stamped under the terms of this act

Section 9 ANNUAL INTANGIBLES STAMPING DATE On all annual intangibles executed after the taking effect of this act the stamps representing the tax required in respect thereof for one year from the date of the execution of such intangibles shall be attached within ten days from the time of such execution and thereafter stamps in the proper amount shall be attached thereto on or before ten days after each annual anniversary of such annual intangible until the same is paid retired or discharged according to the terms and provisions of such annual intangible or in some manner provided in this act

Section 10 MATURITY OF INTANGIBLES BEFORE AND AFTER EFFECTIVE DATE OF ACT On all intangibles executed after the taking effect of this act maturing on or before ten days from the date of the execution of such intangible the stamps required by this act shall be attached at the time and as a part of such execution On all intangibles executed before the taking effect of this act and maturing within ten days after the taking effect of this act the stamps required by this act shall be attached within such ten day period and on or before the payment or discharge thereof according to the terms of the instrument or in some manner provided in this act

Section 11 INTANGIBLE EXECUTED BUT UNPAID PRIOR TO EFFECTIVE DATE OF ACT For the purpose of computing the tax in respect of any intangible executed before and not paid and discharged on or before the taking effect of this act such intangible shall be deemed to have been executed on the day this act becomes effective for the then unpaid balance thereof either as a current or annual intangible as determined by the time of its maturity On or before ninety days from the taking effect of this act and on or before the intangible is paid or discharged the tax shall be paid in respect of such intangible and stamps shall be attached thereto in the same manner as provided for intangibles executed after the taking effect of this act The anniversary date of any such prior existing intangible shall be determined by the date this act becomes effective

Section 12 INTANGIBLES INCAPABLE OF BEING STAMPED COMPUTATION OF TAX The tax on account of and measured by intangibles not susceptible of being stamped or not evidenced by any instrument in writing shall be determined and paid as hereinafter prescribed Within sixty days after this act becomes effective the owner or custodian of any such intangible shall file with the board a sworn report of the amount description and location of such intangible on forms to be prepared by the board and the board shall determine whether such intangible is current or annual and determine the amount of tax due on account thereof and when the same is payable and thereafter within ten days after the thirty-first day of December of each year such person shall file a sworn report with the board on forms prepared by it showing as of December thirty-first the number kind and amount of such intangibles owned or controlled by him since the taking effect of this act or the end of the period covered by his last report and the length of time he owned each such intangible At the time of making such report the taxpayer shall pay to the county treasurer or the department of receiver of taxes as the case may be the tax due on account thereof in the amount determined by the board

Section 13 REGISTRATION OF INTANGIBLES PAYMENT OF TAX RECEIPT In lieu of affixing stamps to any annual intangible as provided by this act any person owning or having custody or control of any such annual intangible may cause the same to be registered in the office of the board and then pay to the county treasurer or department of receiver of taxes as the case may be the amount of the tax determined by the board to be due and the county treasurer or department of receiver of taxes as the case may be shall issue to such taxpayer a properly executed receipt showing the amount of tax paid and the property on account of which such tax is paid and the period of time for which such payment was made Such receipt may be attached to such intangible and on request of the taxpayer and on presentation of such intangible the county treasurer or department of receiver of taxes as the case may be shall in a manner to be determined by the board indorse on such intangible the period to the end of which the tax on account of such intangible has been paid

Section 14 COLLECTION OF TAX LIEN PENALTY Any tax imposed by this act if not paid when due shall be entered on the tax duplicate of the city borough town or township where such taxpayer resides Any such tax together with all penalties thereon from the accrual of the tax shall thereupon become a lien as of the date of such entry on the property of such taxpayer located in such county Such lien shall continue until discharged by payment of such tax and all penalty thereon and shall be enforced and collected by the collectors of county taxes in the same manner as other delinquent taxes are collected under the provisions of existing law

Section 15 DEFAULT PENALTY Any person failing to pay the tax imposed by this act on or before the accrual thereof shall be liable to pay a penalty for each year or fractional part thereof that such payment is delayed Such penalty shall be four times the amount of the current tax on account of the intangible in respect of which the tax was imposed All unpaid tax and all penalty thereon shall draw interest at the rate of ten per centum per annum from the time such tax accrues

Section 16 RECORD OF INTANGIBLES FROM RECORDERS AND PROTHONOTARIES FEES The recorder of deeds and prothonotary of each county shall keep a daily record separate and apart from all other records of every intangible entered or assigned of record in his office which daily record shall set forth the following information (1) The date of the intangible (2) the names of the parties thereto (3) the precise residence of the obligee or person to whose use such intangible is marked or to whom interest is payable (4) if a mortgage a brief description of the real estate upon which such mortgage is secured (5) the just sum secured by such intangible (6) the date or several dates when said sum or portion thereof shall become due and payable (7) in the case of bonds or judgments entered in the prothonotary's office whether the same are accompanied with mortgages A like daily record shall be kept of the number of intangibles together with the amounts thereof and the names of the parties thereto which shall have been that day satisfied of record It shall be the further duty of the recorder and prothonotary on the first Monday of each month to file such daily record with the board One certificate appended thereto shall be all that is required

The recorder of deeds shall refuse any intangible or any assignment of any intangible presented to him for record unless the instrument evidencing the same has attached thereto and made a part thereof a certificate signed by the obligee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such obligee assignee or person Such certificate shall be recorded with such intangible or such assignment

The prothonotary before entering any money judgment for plaintiffs other than upon a verdict or order of court shall require delivery to him of a certificate signed by the plaintiff or his attorney or agent setting forth the precise residence address of the plaintiff and upon entering such judgment shall file such certificate at the same number and term as the judgment and shall include in its entry on the judgment docket the address set forth in the certificate

Failure on the part of any prothonotary to perform any of the duties hereby imposed upon prothonotaries shall in no way impair the validity of any judgement or the lien thereof

The recorders of deeds and prothonotaries shall be entitled to receive ten cents for each intangible and for each assignment or satisfaction of an intangible reported to the board Such fees shall be paid by the county

treasurer on the presentation of proper vouchers and shall be applied in like manner as other fees received by such recorders and prothonotaries Provided That no fee shall be allowed in any case where the residence of any obligee or assignee is omitted in such report Provided further That the amount allowed any prothonotary or recorder shall not exceed the sum of six hundred dollars per annum

Section 17 TRANSMISSION OF INFORMATION TO OTHER COUNTIES Upon obtaining record of the existence within its county of any intangibles that are owned by a person copartnership association or corporation resident or doing business within this State and not a resident of such county or in the case of a copartnership association or corporation not having its principal office within such county the board shall transmit a certified statement of such record to the board of the proper county wherein said person is domiciled or wherein such copartnership association or corporation does business or maintains its principal office and also to further transmit to such board a certified statement whenever it shall appear from the record that such intangibles are satisfied Such certified statements shall upon their receipt be filed of record by the board

Section 18 ANNUAL RETURNS BY TAXABLES AFFIDAVIT ADMINSTERING OATHS PENALTY The board shall annually at the time when the assessors receive their books furnish the assessors of the several townships boroughs and cities of the respective counties with blanks which shall be prepared and furnished by the State Department of Revenue and for which the county shall pay to the Department of Revenue the actual amount of the cost of preparation and printing Each of said assessors shall furnish a copy of the same to every taxable person co-partnership association and corporation in his respective ward district borough or township or to any officer agent or employe found at the place of business of any such partnership association or corporation in his ward district borough or township Upon such blank each taxable person copartnership association and corporation shall make return annually of the aggregate amount of all intangibles held owned or possessed by such person copartnership or corporation either in his her or its own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person persons copartnership association or corporation Such return shall be made and sworn or affirmed to by such taxable person or by a member or officer of such copartnership association or corporation Provided That any corporation association or partnership doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated

Such affidavit shall be made before the proper assessor or other person authorized to administer oaths and shall set forth that the return is full true and correct to the best of his or her knowledge and belief and shall also show that all taxes imposed by this act on intangibles have been paid and that he has fully complied with all the provisions of this act Such affidavit shall also contain such other information as the board may deem advisable for the proper administration of this act Any person who shall wilfully and corruptly make a false and fraudulent return shall be guilty of perjury and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years and thereupon be forever disqualified from being a witness in any matter or controversy

The several assessors are hereby authorized to administer the oath or affirmation to any person making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made by the assessor Any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided or who shall make any charge for administering such oath or affirmation shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 19 VALUATIONS FOR INDEBTEDNESS PURPOSES For the purpose of determining the assessed value of intangibles as a basis for the constitutional right of any county to incur indebtedness upon the assessed valuation of taxable property during the year one thousand nine hundred and thirty-six the assessments made under the provisions of existing law shall be taken and used but such assessments shall not in any case be used at the basis of valuation for the imposition of the tax during said year During the year one thousand nine hundred and thirty-seven and during each year thereafter the assessed value of intangibles for indebtedness purposes shall be determined by the board by computing the value of all intangibles upon which the tax hereby imposed has been paid during the preceding year using as the basis for such computation the gross amount of the tax on intangibles collected during such year without interest or penalties and the valuation so determined shall be deemed to be the assessed valuation of taxable intangible property under the Constitution and laws of this Commonwealth

Section 20 TAXES DUE FROM ESTATES OF DECEDENTS The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal property of such decedent for the purpose of determining the inheritance tax shall in addition thereto file an affidavit in duplicate setting forth all intangibles included in such inventory or affidavit

The office with whom the same is filed shall forthwith send one of said copies of such affidavit to the board whose duty it shall then be to proceed for the assessment and recovery of the taxes due from such decedent with penalties and interest as above provided and for that purpose to present a claim therefor to the orphans' court of the proper county or to proceed by action or suit at law in any court of competent jurisdiction for such recovery thereof or to take any or all appropriate steps or procedure for the collection of said taxes

Section 21 INTANGIBLES HELD AS COLLATERAL DUTY OF PERSONS HOLDING Every person having or receiving into his possession or custody as collateral or otherwise any intangible on account of which a tax is imposed by this act shall examine such intangible and ascertain that it has been stamped or the tax paid on account thereof No person or officer shall authenticate witness or guarantee any signature to any assignment or transfer of any intangible on account of which a tax is imposed by the provisions of this act unless the stamps or certificates required for the current year appear upon or accompany such intangible All intangibles in possession of any person as collateral or otherwise shall be subject to examination by the board No person holding any such intangible shall be privileged to require the name of the owner the location or description or amount of any intangibles so sought to be examined as a condition precedent to such examination

Section 22 ENFORCEMENT OF ACT RULES AND REGULATIONS The board is hereby charged with the duty of enforcing or causing this act to be enforced and administered and shall prescribe and provide all the necessary forms to be used in connection therewith and may require reports at any time and from any person or officer concerning any matter pertaining to any intangible of any person subject to a tax under the provisions of this act and may examine any person or officer under oath concerning any such intangible and shall make promulgate and enforce such rules of procedure and regulations in any matter connected with the enforcement and administration of this act which may be necessary fully to carry out the provisions thereof Failure to enforce the provisions of this section by the board shall be deemed wilful neglect of duty and punishable by a fine of five hundred dollars ($500) for each such neglect

Section 23 TAX A DEBT ACTION TO RECOVER In addition to all other remedies for the collection of the tax imposed by the provisions of this act such tax as soon as it accrues shall constitute a debt of the person liable for such tax and the board may cause any necessary action to be instituted in the name of the county in any court of competent jurisdiction on relation of the

brought against such person for the recovery of such tax and all penalties accuring on account of the non-payment thereof Any such suit shall be prosecuted by the county solicitor and in any judgment rendered against the taxpayer in any such suit for any unpaid tax a reasonable attorney fee shall be included for the attorney prosecuting such suit

Section 24 STAMPS PREPARATION CONTRACTS DISTRIBUTION REQUIREMENTS The county commissioners of each county shall within thirty days after the date of final enactment of this act and on or before the first day of July of each year thereafter determine and advise the State Department of Revenue whether such county shall contract for the manufacture of the stamps required by the provisions of this act for use in such county for the ensuing year or whether such county shall purchase such stamps from the Department of Revenue as hereinafter provided the Department of Revenue shall not be required to sell any stamps to any county that has signified its intention to contract for the manufacture of its own stamps or to any county that has failed to signify its intention within the times hereinbefore specified The department may however sell stamps to such counties if the stamps are available without curtailing the supply for the use of the counties that have properly signified their intention to purchase from the department

The county commissioners of any county determining to supply its own stamps and not to purchase the same from the Department of Revenue shall make and execute contracts in behalf of such county for dyes plates and printing necessary for the manufacture of such stamps The board shall have the custody of the stamps dyes plates and other material and things used in the manufacture of such stamps

Contracts for dyes plates printing and other services and supplies necessary for the manufacture and preparation of stamps by the Department of Revenue shall be let and executed in the same manner as contracts for engraving printing and supplies for the use of the various departments of the State government or such work or any part thereof may be done at the various State penal or correctional institutions by the inmates thereof under the conditions prescribed by existing law The Department of Revenue shall have custody of all stamps prepared by it until sold and of all dyes plates and other material and things used in the manufacture of such stamps The cost of procuring such stamps shall in the first instance be paid out of any appropriation to the Department of Revenue available for such purpose The department shall sell such stamps to the various counties requiring the same at such price as will fully reimburse the Commonwealth for all moneys expended in procuring the same but not at a profit

Adhesive stamps for the purpose of paying the tax levied under the provisions of this act shall be prepared by the State Department of Revenue or by the county commissioners as the case may be in such form of such denominations and in such quantities as the department or county commissioners may prescribe The year of the issuance of any stamp provided for herein shall be engraved upon the face thereof and no such stamp shall be used in any year other than the year of issue All stamps prepared by the county commissioners for any individual county shall have the name of such county engraved upon the face thereof All stamps prepared by the Department of Revenue shall have a blank space upon the face thereof upon which the name or a distinctive abbreviation of the name of the county where the stamps are to be used shall be printed stamped or written before such stamps are issued by the department No stamp shall be used upon any intangible except such as are taxable in the county the name of which is indicated on the face of such stamp The board shall make provision for the sale of stamps in the office of the county treasurer at such places and at such times as the board may deem necessary.

Section 25 STAMPS CANCELLATION Wherever an adhesive stamp is used under the provisions of this act the person using or affixing it shall write or stamp thereon the initials of his name and the date when the same is affixed or used and shall mutilate the stamp in such manner that it cannot be used again

Section 26 APPLICATION FOR ASSESSMENT AND COMPUTATION OF TAX On application of any person the board shall determine the amount of tax due on account of any intangible in respect of which the tax provided by this act is imposed and issue to such person such receipt release waiver certificate or acquittance as will show the release of such intangible from any lien on account of such tax

Section 27 SALE OF STAMPS BY COUNTY TREASURER The county treasurer as a part of his official duty and without additional salary or compensation shall receive from the board from time to time the stamps provided to be used under the terms of this act Such treasurer shall be chargeable with the full amount of all stamps delivered to him and shall sell such stamps and collect the money therefor and deposit the same in the proper designated depository to the credit of the county Within thirty days after the end of the calendar year one thousand nine hundred and thirty-six and within thirty days after the end of each calendar year thereafter each county treasurer shall return to the board all stamps in his possession bearing the date of the preceding year and receive proper credit therefor

Section 28 UNUSED STAMPS DISPOSITION At the end of each calendar year any person owning and having any unused stamps of the issue of that year in his possesion may within twenty days from the end of such year and not thereafter surrender such stamps to the county treasurer The treasurer shall receive such stamps and deliver to such person a like amount of stamps dated and usable in the then current year Each county treasurer shall keep a record in the form and manner provided by the board of all stamps so surrendered and deliver such stamps to the board and receive credit therefor all in accordance with the rules of the board The board may under regulations prescribe therefor by it provide for the reissue of stamps in lieu of the stamps destroyed by fire or unavoidable casualty

Section 29 RECORDING INSTRUMENTS CONDITION No instrument securing the payment of any debt evidenced by any intangible as defined by this act shall be admitted to record in this State until all tax then due as provided by this act has been paid on account of the intangible so secured by such instrument

Section 30 UNSTAMPED INTANGIBLES ENFORCEABILITY No intangible in respect of and by which the tax imposed by this act is measured shall be valid or enforceable nor shall the same be sold assigned transferred renewed removed consigned mailed or shipped unless and until all taxes and penalties accrued on account thereof shall have been paid Any sale renewal or assignment of any such intangibles on account of and by which the taxes imposed by this act are measured have not been paid shall be null and void

Section 31 ACT CONSTRUED The tax hereby imposed shall be in lieu of all other taxes except estate or transfer inheritance taxes which might have been or might be imposed upon intangibles or against the owners or holders thereof by virtue of the provisions of any law of this State enacted prior to the passage of this act No State or local tax except transfer inheritance and estate taxes shall be imposed upon any intangibles on account of which a tax is imposed by the provisions of this act by virtue of the provisions of any other law of this State enacted prior to the passage of this act

Section 32 EXTENSION OF TIME FOR PAYMENT The board or county treasurer with the approval in writing of the board may at any time upon good cause being shown extend the time not to exceed ninety days within which any taxpayer may pay any taxes accrued or accruing under the provisions of this act Such extension may be granted to such taxpayer with or without penalty or interest and during any such extension any taxpayer may enforce sell assign transfer renew remove consign mail or ship any intangible in respect of which such extension was granted The board may grant such extension upon such terms and conditions as it shall deem just and may require the taxpayer to execute a satisfactory bond to secure the payment of any tax found to be due

Section 33 STAMPS UNAVAILABLE EXTENSION In case at any time after the passage of this act stamps

have not been prepared and distributed at the time any tax imposed by this act accrues then the taxpayer shall have ten days after such stamps are prepared and distributed as provided by the terms of this act within which to procure and affix any stamps required by the provisions of this act All penalties provided by this act shall be suspended during the time such stamps are not available If during such time any person shall desire to enforce sell assign transfer renew remove consign mail or ship any such intangible the tax required by this act may be paid to the county treasurer and a receipt therefore shall be attached to such intangible

Section 34 POWERS OF BOARD The board shall have the authority of and the powers conferred by the general laws of this State concerning taxation for the administration of this act and such laws hereby are extended to and made a part of this act so far as applicable for the purposes of assessing and collecting taxes imposed by this act and such taxes omitted through mistake inadvertence or fraud

Section 35 FAILURE TO PAY TAX OR CANCEL STAMPS PENALTY Whoever makes signs issues authenticates or accepts or causes to be made signed issued authenticated or accepted any instrument document or paper of any kind or description whatsoever evidencing any intangible or any assignment or transfer thereof without the tax therein being paid or stamps affixed in accordance with the provisions of this act or whoever makes use of any adhesive stamp to denote any tax imposed by this act without canceling or obliterating such stamp as in this act provided is guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than five hundred dollars or be imprisoned not less than thirty days nor more than six months or both for each such offense

Section 36 STAMPS PROHIBITED PRACTICES PENALTY Whoever fraudulently cuts tears or removes from any vellum parchment paper instrument writing or document evidencing any intangible on account of or in respect of which any tax is imposed by this act any adhesive stamp used in compliance with the provisions of this act or whoever fraudulently uses joins fixes or places to with or upon any such evidence of intangible on account or in respect of which any tax is imposed by this act any adhesive stamp which has been cut torn or removed from any other evidence of intangible or whoever fraudulently uses joins fixes or places to with or upon any evidence of intangible any adhesive stamp of insufficient value or any forged counterfeited or altered stamp or whoever wilfully removes or alters the cancelling or defacing marks of or otherwise prepares any adhesive stamp with intent to use or cause the same to be used after it has already been used or knowingly or wilfully buys sells offers for sale or gives away any washed or restored adhesive stamp to any person for use or knowingly and without lawful excuse has in his possession any washed or restored or altered stamp which has been removed from any vellum parchment paper instrument writing or document or whoever knowingly or wilfully prepares buys sells offers for sale or has in his or its possession any counterfeited stamps is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or be imprisoned for not less than one year nor more than five years or both at the discretion of the court

Section 37 ENFORCEMENT OFFICERS DIVULGING INFORMATION PENALTY Whoever being or having been a county official or member of the board of any county or being or having been a clerk employe or agent of any such officer or board divulges except in the performance of his duties or upon order of the board or in any reports required by law as the case may be or when called upon to testify in any court or proceedings any information acquired by him in the exercise of the powers vested in him by any of the provisions of this act or while claiming to exercise such powers in respect to the transactions or business of any person to whom this act is applicable shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars and shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes

Section 38 REQUIRING PERSON BORROWING TO PAY TAX USURY It is unlawful for any person in loaning money at interest to any person which transaction is taxable as an intangible under the provisions of this act to require the person borrowing the same to pay the tax imposed thereon by this act In all cases where such tax shall have been paid by the borrower the same shall be considered usury and be subject to the laws governing the same

Section 39 PAYMENT OF PART OF COUNTY TAX TO STATE One-third of the gross amount of all taxes collected by each county or city and county shall be paid by the treasurer of such county or city and county into the General Fund of the State Treasury through the Department of Revenue for general State purposes Such payments shall be made on the first days of June and December of each year

Section 40 TAX FOR STATE PURPOSES All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable in the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of four mills on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the second section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of section two of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in section two of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect

or failure to give such notice before the first day of October of each and any every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And providing That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under section two of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under section two of this act

Section 41 VALIDITY If any clause sentence paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act but shall be confined in its operation to the clause sentence paragraph or part thereof of which is directly involved in the controversy in which such judgment shall have been rendered It is hereby declared as the legislative intent that this act would have been adopted had such invalid provision not been included therein The tax imposed by virtue of this act shall be levied and collected as in this act provided irrespective of the nature or character of such tax

Section 42 REPEALS The act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments is hereby repealed Provided That its provisions shall continue in force for the purpose of enforcing payment of any tax payable thereunder for the year one thousand nine hundred and thirty-five and for any year or years prior thereto

The act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred four) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 43 Effective Date Except as to sections five six twenty-two twenty-four and twenty-seven which shall become effective immediately upon the final enactment of this act the provisions of this act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, may I interrogate the gentleman from Erie, Mr. McCreary?

The SPEAKER. Will the gentleman from Erie permit himself to be interrogated?

Mr. McCREARY. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, does this bill provide for a division of the tax between the county and the state?

Mr. McCREARY. Yes sir, Mr. Speaker.

Mr. TURNER. Does it increase millage, Mr. Speaker?

Mr. McCREARY. Mr. Speaker, it increases millage in the old bill which stood a record for twenty years, from four to six mills and it gives the county four and returns two to the state.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. McCREARY. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—105

Achterman,	Downey, J. J.,	Male,	Sarraf,
Alexander,	Eroe,	McCreary,	Scanlon,
Allen,	Falkenstein,	McDermott,	Schrope,
Andrews,	Finnerty,	McElroy,	Schwab,
Arnold,	Fitch,	Melchiorre,	Shaw,
Atkins,	Flanagan,	Mentzer,	Shugarts,
Aukerman,	Furman,	Moomaw,	Siegel,
Baine,	Gerard,	Mooney,	Sinwell,
Baker, J. J.,	Haberlen,	Moran,	Smith, J. A.,
Barber,	Haluska,	Munley,	Smith, W. G.,
Bradley,	Hamilton, F. P.,	Murrin,	Stank,
Brown, H. S.,	Harkins,	Nagel,	Stevens,
Brown, J. E.,	Hindman,	O'Keefe,	Stone,
Brownfield,	Hirsch,	Ominsky,	Sumney,
Burke,	Holland,	Panton,	Tahl,
Cannon,	Holstrom,	Patterson, C.,	Tronzo,
Caputo,	Hoopes,	Patterson, J. W.,	Tumelty,
Carson,	Kane,	Pearson,	VanAllsburg,
Chervenak,	Kelso,	Perry,	VanSickle,
Coakley,	Kilroy,	Pfaff,	Walker,
Cochran,	Kinney,	Piole,	Weiss,
Coleman,	Klingler,	Powers,	Welsh,
Coolahan,	Kobelak,	Reising,	Westrick,
Decker,	LaRue,	Rinn,	Yourishin,
Dent,	Long,	Robinson,	Zappala,
Dilley,	Lovett,	Ruth,	Sarig,
Downey, G. E.,			

NAYS—70

Altenburg,	Gates,	Merrell,	Spangler,
Baldi,	Gillette,	Moore,	Sproul,
Barnhardt,	Green,	Muir,	Stewart,
Bernhard,	Greenstein,	Nothnagle,	Stockham,
Blumberg,	Habbyshaw,	Peters,	Stott,
Boose,	Hamilton, R. S.,	Reynolds,	Surface,
Boyd, R.,	Hart,	Rooney,	Terry,
Boyer,	Hefferon,	Root,	Trout,
Brennan,	Hermansen,	Ruffennach,	Turner,
Brumbaugh,	Hoffner,	Schrock,	Wall,
Carr,	Horst,	Shortz,	Weidemann,
Castor,	Jones,	Shreiner,	White,
Conner,	Kelder,	Simpson,	Wickersham,
Cordier,	Linderman,	Sloan,	Winner,
Davies,	Longaker,	Snyder, F. E.,	Witkin,

Duffort,	Mallen,	Snyder, J. L.,	Woodside,
Ferko,	Mason,	Sowers,	Yeakel,
Flynn,	McKinney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. CAPUTO

Mr. CAPUTO asked and received unanimous consent to make the following statement.

Mr. Speaker and members of the House, the Committee appointed under resolution No. 61 has completed its work and is now ready to report to this House. I am not going to make a long statement at this time as to what we did. However, I wish to make this clear to the members of the House that in view of the fact that there were so many issues involved in this report, and the committee was at no time unanimous in its findings we have deemed it advisable that no minority report be filed but that each member on the Committee may make a statement to that part of the report to which he takes exception

I want to take this opportunity to thank the members of the Committee for their diligent work and cooperation. It was a distinct pleasure and privilege to work with them. I herewith submit the report of the committee.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

BILL ON THIRD READING

Mr. STONE. Mr. Speaker, I desire to call up at this time House Bill No. 2968, Senate Bill No. 1163, on page 47, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. STONE.

The House resumed the consideration on third reading of House Bill No. 2968 (Senate Bill No. 1163), entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. STONE. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for further study.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 329 FROM THE GOVERNOR

Mr. BERNHARD offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), that House Bill No. 329, Printer's No. 62, entitled "An act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON HOUSE BILL No. 2068 (SENATE BILL No. 147).

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 2068, Senate Bill No. 147, Printer's No. 594, on page 3, of today's calendar, bill on third reading and final passage.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2068 (Senate Bill No. 147), entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensons by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, may I ask whether there is anybody in the House that can explain the present law and how this bill changes that present law.

Mr. WASSERMAN. Mr. Speaker and members of the House, Senate Bill 147, amends the present blind pension act. The main provisions which it changes are the following: It provides that a pension may be granted to a blind applicant whose income does not exceed $1200, where the pension of $30 is taken into consideration. In other words, if the grant, plus the present income of the blind applicant is not in excess of $1200, such application would be approved.

It also provides that the applicant may have real property with an assessed valuation which does not exceed $5,000.

It also changes the present law in that it provides that all applicants for blind pensions shall be placed immediately upon the rolls, regardless of whether the appropriation is sufficient to carry them over for the entire biennium.

It also brings into agreement the present act pending in Congress relating to the granting of pensions to the blind. In other words, the present act before Congress will provide for a contribution to the state which grants pensions to the blind. This present bill will bring the law into agreement with the present act pending before Congress.

The present bill originally, as it came from the Senate, also provided for the transfer of the administration of the blind from the present Department of Welfare and various public assistance funds to that of a new Department, but

that provision was taken out by the Committee on Pensions and Gratuities here in the House.

I believe this covers the questions, the main changes, in the present law. I am not describing its provisions, but I am only volunteering information requested by the gentleman from Philadelphia, Mr. Sowers.

Mr. SOWERS. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Wasserman?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WASSERMAN. I will, Mr. Speaker.

Mr. SOWERS. Mr. Speaker, do not the changes in this bill then mean that any blind person that has an income of about $900 a year will also receive a blind pension?

Mr. WASSERMAN. Mr. Speaker, that is correct.

Mr. SOWERS. Mr. Speaker, if this bill were enacted into law, isn't there a likelihood that the poor blind, those that have no income, might be deprived of their pensions during the last year of the biennium?

Mr. WASSERMAN. That is correct, Mr. Speaker.

Mr. SOWERS. Mr. Speaker, those that are poor may suffer the loss of the pension, and those that have an income of $900 would get a pension?

Mr. WASSERMAN. That is correct, Mr. Speaker.

Mr. SOWERS. Mr. Speaker, how much would those get that receive $900 a year.

Mr. WASSERMAN. Mr. Speaker, they would get $30 a month.

Mr. SOWERS. That is $360 a year, is it not, Mr. Speaker?

Mr. WASSERMAN. That is correct, Mr. Speaker.

Mr. SOWERS. Mr. Speaker and members of the House, no one would be in favor of a blind man getting as much as possible more than I would, but I do not believe that this House should take a chance of giving a pension to a blind man who has an income of seven or eight hundred dollars, and then the poor blind man who has no income might receive no pension during the last year of the biennium. It seems to me that we ought to protect the poor first before we try to benefit those whose incomes, are five, six, seven, eight or nine hundred dollars a year. I ask you to vote "no" on this bill.

Mr. HARKINS. Mr. Speaker and members of the House, we are now discussing Senate Bill 147. When it originally came from the Senate it had several contradictory features in it. After considerable study, and a number of interviews with several groups of the blind, who conferred not only with me and other members of the Committee on Pensions and Gratuities, but who finally conferred with representatives of the Department of Welfare, this bill has been amended to eliminate the objections and the objectionable practices that have grown out of the administration of the act which is now the law governing the blind pensions in this state.

The bill originally as it came from the Senate set up a completely new board in a different department, not able to administer the funds, and without the knowledge and the mechanical set-up that the Department of Welfare had. As amended, we retained in the Department of Welfare, under the administration of the Mothers' Assistance Board, the administration of this fund. This bill provides a flat pension, and it further provides in answer to the question, raised by the gentleman from Philadelphia, Mr. Sowers, that in case the funds that have been allotted and appropriated do run short that then every blind person who is entitled to the pension will get his share of the fund, so long as there are any funds. At first glance, that may seem not to be the proper type of arrangement to make but if you will recall there are a number of people in the state of Pennsylvania who are eligible to receive not only the blind pension but many others who are eligible to receive Mothers' Assistance funds and are not getting those funds, because their names have not been reached on the waiting list. Today there are a number of blind who unfortunately have not received any moneys at all, and those blind people will never receive their money until another blind person ahead of them on the list dies, so that one from the waiting list can be moved upward. This bill carries with it sufficient safeguard to prevent any impostor from taking advantage of the pension arrangement herein set forth.

Under the Constitutional amendment, which is now a part of our Constitution, the blind have been guaranteed a pension. Under the present system some of the blind folks get as small an amount as four or five dollars a month. On the face of the Constitutional amendment they are supposed to be granted a pension the same as a military pension. They are now asking for what the voters and the citizens of Pennsylvania have guaranteed to them in the past.

In regard to the question of a person who has an income of twelve hundred dollars a year that person, of course, will not receive any allowance for any pension, but if their income is under twelve hundred dollars per year, they would receive an additional allowance in monthly installments large enough to bring their total income, including their blind pension up to twelve hundred dollars a year.

It is well known that a blind person who has an income of only twelve hundred dollars a year cannot support a family. I see in the hall of the House blind gentlemen who I know have families and I know that they are in need of a pension which the Constitution gives them the right to ask for.

I ask the members of the House to vote for this bill because the bill represents a lot of study and because the bill is satisfactory to all of the people who have spoken to the Committee on Pensions and Gratuities with regard to it. I ask all the members to vote "aye" on this bill.

Mr. SOWERS. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Harkins?

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HARKINS. I will, Mr. Speaker.

Mr. SOWERS. Mr. Speaker, referring to page four, lines 16, 17, 18, 19, and 20, does not the gentleman think it would be better to amend the twelve hundred dollars and cut it down to six hundred dollars, so that all of the blind will be sure of something for the whole two years?

Mr. HARKINS. Mr. Speaker, in regard to that interrogation I would like to tell the gentleman from Philadelphia, that the various groups and the representatives who contacted the Committee felt that the sum of twelve hundred dollars would not be excessive.

Mr. SOWERS. Mr. Speaker, does not the gentleman really believe that the twelve hundred dollar item would only exhaust the fund and add approximately three thousand more applicants to the roll?

Mr. HARKINS. Mr. Speaker, in answer to that ques-

tion I do not believe that that would add three thousand more applicants to the roll.

Mr. SOWERS. Mr. Speaker, how many does the gentleman believe it would add?

Mr. HARKINS. Mr. Speaker, I believe that the total number that that item would add to the roll cannot at this time be calculated, and to ascertain it I feel that we will have to wait until this act is in operation.

Mr. SOWERS. Mr. Speaker, may I ask do not those applicants date their applications back for a whole year and claim for that interval of time?

Mr. HARKINS. Mr. Speaker, I do not quite agree with the gentleman. I do not feel that that is so, and my answer to that question is "no."

Mr. MOOMAW. Mr. Speaker and members of the House, I have just talked on the telephone with Dr. Scheehle of the Department of Welfare concerning this measure as it stands. He states that in general the bill is all right with the exception of one thing or one part, which he feels should be somewhat adjusted before the bill is passed, that is on page 8, line 23, where it states as follows: "Should the amount available for blind pensions for any biennium be not sufficient for that biennium then all the blind persons who are eligible under the provisions of this act shall receive the full amount of their pension until the funds available have become exhausted."

I feel that in view of the fact that some of those will be receiving pensions who have side income, while others will be receiving the same pension without any income; that instead of their being paid the full amount until the funds are exhausted, it would be better to have it so worded they could spread out a proportionate amount to be paid when there is a shortage occurring, and with that thought in mind, I am wondering if the gentleman from Allegheny will agree to hold that up until some adjustment can probably be made on that particular technicality.

Mr. HARKINS. Mr. Speaker, in regard to that, I would like to call the attention of the members of the House to the fact that this is a Senate bill, that there are numerous amendments that have been made, and that the sponsor of the bill, Senator Reed, has assured me that these amendments, if prepared in the interests of the blind, in all probability, he will be able to concur in them. If not, however, it seems likely that this bill will go to a conference committee, at which any provisions that need to be taken care of, such as the minor suggestion of Mr. Moomaw, can be inserted then. I would say that in regard to the statement made by the Secretary of Welfare, that he participated in the conference from which these amendments came, and I would say if it is to be taken care of, it should be taken care of in conference committee, which seems likely to be necessitated.

Mr. WITKIN. Mr. Speaker and members of the House, I do not regard this as a party measure, and I merely rise to voice my agreement with the gentleman from Allegheny, Mr. Harkins, and I would ask the members of the House for the benefit of the blind to vote in the affirmative on this bill.

Mr. WASSERMAN. Mr. Speaker and members of the House, the question that was raised by Mr. Moomaw, is a rather important and serious one. I am in favor of the measure in all its respects, with the exception of the provision we find in Section 12 on page 8 as referred to by Mr. Moomaw. This is a very serious matter. Does the House want to place all the blind en masse on the pension roll and have the pensions exhausted, or the grants exhausted within one year?

The question raised by the gentleman from Philadelphia, Mr. Sowers, as to the number of men that are immediately going on the pension roll was a rather pertinent one. In Philadelphia, for example, we have a waiting list of somewhere in the neighborhood of five hundred, and seven hundred are receiving pensions. You can appreciate immediately what will happen to the funds if used for applicants for blind pensions.

I am in favor of an increased appropriation so that every blind applicant shall receive a pension. I am even in favor of a provision as to the twelve hundred dollars but only when we have provided the necessary funds. Imagine the predicament we will be in when eleven or twelve months after the appropriation has been passed, and all the blind applicants are on the pension roll en masse, and they come clamoring here after the funds have become exhausted!

I believe that the measure is good in every respect except this one provision raised by Mr. Moomaw.

Mr. HARKINS. Mr. Speaker and members of the House, with regard to the remarks made by the gentleman from Philadelphia, Mr. Wasserman, I would like to call the attention of the members of the House to the fact that in all likelihood the members of the House will be in special session so that there won't be any opportunity of a catastrophe occurring because of the funds becoming exhausted. In fact, I would like to also call your attention to the fact that the blind person today, to get the pension that he is entitled to under the Constitution must practically be a pauper and be indigent.

In conclusion, I would like again to ask all the members to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—194

Alexander,	Fitch,	Mason,	Schwartz,
Allen,	Flanagan,	McCreary,	Shaw,
Altenburg,	Flinchbaugh,	McDermott,	Shepard,
Arnold,	Flynn,	McDevitt,	Shortz,
Atkins,	Forrest,	McElroy,	Shreiner,
Aukerman,	Furman,	McHenry,	Shugarts,
Baine,	Gates,	McKinney,	Siegel,
Baker, J. J.,	Gerard,	Melchiorre,	Simpson,
Baldi,	Gillette,	Mentzer,	Sinwell,
Barber,	Green,	Merrell,	Sloan,
Barnhardt,	Greenstein,	Moomaw,	Smith, J. A.,
Bernhard,	Habbyshaw,	Mooney,	Smith, W. G.,
Blumberg,	Haberlen,	Moore,	Snyder, F. E.,
Boose,	Hagerty,	Moran,	Snyder, J. L.,
Boyd, R.,	Haluska,	Moul,	Sowers,
Boyer,	Hamilton, F. P.,	Muir,	Spangler,
Bradley,	Hamilton, R. S.,	Munley,	Stank,
Brancato,	Harkins,	Murrin,	Stevens,
Brennan,	Harmuth,	Nagel,	Stewart,
Brown, H. S.,	Hart,	Nothnagle,	Stockham,
Brownfield,	Hartman,	O'Keefe,	Stone,
Brumbaugh,	Hefferon,	Ominsky,	Stott,
Burke,	Hermansen,	O'Neill,	Sumney,
Cannon,	Hetrick,	Panton,	Surface,
Caputo,	Hindman,	Parks,	Tahl,
Carr,	Hirsch,	Patterson, C.,	Terry,
Carson,	Hoffner,	Patterson, J. W.,	Tronzo,
Castor,	Holland,	Pearson,	Trout,
Chervenak,	Holstrom,	Perry,	Tumelty,
Coakley,	Hoopes,	Peters,	VanAllsburg,
Cochran,	Horst,	Pfaff,	VanSickle,
Cohen,	Jackson,	Phillips,	Walker,
Coleman,	Jones,	Piole,	Wall,
Condon,	Kane,	Powers,	Weidemann,
Conner,	Kelder,	Reising,	Welliver,
Coolahan,	Kelso,	Reynolds,	Welsh,

Cordier,	Kilroy,	Rhys,	Westrick,
Davies,	Kinney,	Rinn,	White,
Decker,	Klinger,	Roan,	Wickersham,
Dent,	Kobelak,	Robinson,	Winner,
Dilley,	LaRue,	Rooney,	Witkin,
Downey, G. E.,	Linderman,	Root,	Wood,
Downey, J. J.,	Long,	Ruffennach,	Woodside,
Duffort,	Longaker,	Ruth,	Yeakel,
Eberharter,	Lovett,	Sarraf,	Yourishin,
Eroe,	Lynch,	Scanlon,	Zappala,
Falkenstein,	Male,	Schrock,	Zimmerman,
Ferko,	Mallen,	Schrope,	Sarig,
Finnerty,			

NAYS—6

Achterman,	Brown, J. E.,	Sproul,
Andrews,	Schwab,	Turner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

(During the calling of the roll.)

Mr. WASSERMAN. Mr. Speaker, I ask permission of the House to vote "present" on this bill.

The SPEAKER. The gentleman will not be recorded as voting "present".

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a question of parlimentary inquiry.

The SPEAKER. The gentleman will state his question of parlimentary inquiry.

Mr. ANDREWS. Mr. Speaker, has the Chair ruled that a member cannot be recorded as "present" but not voting?

The SPEAKER. The Chair rules that on a bill, a member cannot be recorded as voting "present", because the Constitution in Article III, Section 4, requires that the votes be taken by "ayes" and "nays".

The Chair will read Article III, Section 4 of the Constitution:

"Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal; and a majority of the members elected to each House be recorded thereon as voting in its favor."

QUESTION OF PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a further question of parlimentary inquiry.

The SPEAKER. The gentleman will state his question of parlimentary inquiry.

Mr. ANDREWS. Mr. Speaker, cannot a member upon request be recorded as "present" but not voting?

The SPEAKER. A member can answer "present" to his name, and he can be excused from voting by the House, but he cannot be recorded as voting "present".

Mr. ANDREWS. Mr. Speaker, I am not referring to voting "present". I am referring to a formal request to be recorded as being "present" but not voting, which is entirely a different matter.

The SPEAKER. A member can answer "present", but he will not be recorded as voting "present" on the official roll call.

HOUSE BILLS GIVEN PREFERENCE

Mr. RUTH. Mr. Speaker, I move that all House bills on the third reading and final passage calendars for today and tomorrow be given preference.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2691, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers of the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contracts with the Commonwealth from requiring or receiving refunds of part of any minimum wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects abolishing the Board of Trustees of Home for Training in Speech of Deaf Children amplifying the powers of the Department of Public Instruction relating to professional education and licensure eliminating the State Aeronautics Commission and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 202 221 222 401 444

508 511 522 1304 1311 1402 2107 2302 2311 2312 2320 2402 2404 2405 2406 2407 2408 2409 and 2604 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments board and commissions shall be determined" be and the same are hereby amended or further amended as the case may be as follows:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State, State Employes' Retirement Board;

In the Department of Justice, Board of Pardons, Board of Commissioners on Uniform State Laws;

In the Treasury Department, Board of Finance and Revenue;

In the Department of Internal Affairs, Board of Property, [State Aeronautics Commission];

In the Department of Public Instruction, State Council of Education, Pennsylvania State Board of Censors, Public School Employes' Retirement Board, Pennsylvania Historical Commission, Board of Trustees of Thaddeus Stevens Industrial School, Board of Trustees of Pennsylvania State Oral School for the Deaf, [Board of Trustees of Home for Training in Speech of Deaf Children Before They Are of School Age, which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children], Board of Trustees of Pennsylvania Soldiers' Orphan School, Board of Trustees of West Chester State Teachers' College, Board of Trustees of Millersville State Teachers' College, Board of Trustees of Kutztown State Teachers' College, Board of Trustees of East Stroudsburg State Teachers' College, Board of Trustees of Mansfield State Teachers' College, Board of Trustees of Bloomsburg State Teachers' College, Board of Trustees of Shippensburg State Teachers' College, Board of Trustees of Lock Haven State Teachers' College, Board of Trustees of Indiana State Teachers' College, Board of Trustees of California State Teachers' College, Board of Trustees of Slippery Rock State Teachers' College, Board of Trustees of Edinboro State Teachers' College, Board of Trustees of Clarion State Teachers' College, Board of Trustees of Cheyney Training School for Teachers, State Board of Medical Education and Licensure, State Board of Pharmacy, State Dental Council and Examining Board, State Board of Optometrical Examiners, State Board of Osteopathic Examiners, Osteopatic Surgeons' Examining Board, State Board of Examiners for the Registration of Nurses, State Board of Undertakers, State Board of Veterinary Medical Examiners, State Board for the Examination of Public Accountants, State Board of Examiners of Architects, Anthracite Mine Inspectors' Examining Board, Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania, State Registration Board for Professional Engineers;

In the Department of Military Affairs, Armory Board of the State of Pennsylvania, Board of Trustees of Pennsylvania Soldiers' and Sailors' Home, State Athletic Commission;

In the Department of Banking, Board to License Private Bankers, Pennsylvania Securities Commission;

In the Department of Agriculture, State Farm Products Show Commission;

In the Department of Forests and Waters, Water and Power Resources Board, Geographic Board, Lake Erie and Ohio River Canal Board, Pennsylvania State Park and Harbor Commission of Erie, Washington Crossing Park Commission, Valley Forge Park Commission, Fort Washington Park Commission;

In the Department of Mines, Anthracite Mine Inspectors, Bituminous Mine Inspectors;

In the Department of Highways, State Bridge Commission;

In the Department of Health, Sanitary Water Board, Anatomical Board;

In the Department of Labor and Industry, Workmen's Compensation Board, Workmen's Compensation Referees, State Workmen's Insurance Board;

In the Department of Welfare, State Council for the Blind, Pennsylvania Alcohol Permit Board, Board of Trustees of Eastern State Penitentiary, Board of Trustees of Western State Penitentiary, Board of Trustees of Pennsylvania Industrial Reformatory, hereafter to be known as Board of Trustees of Pennsylvania Industrial School, Board of Trustees of State Industrial Home for Women, Board of Trustees of Pennsylvania Training School, Board of Trustees of Allentown State Hospital, Board of Trustees of Danville State Hospital, Board of Trustees of Fairview State Hospital, Board of Trustees of Harrisburg State Hospital, Board of Trustees of Norristown State Hospital, Board of Trustees of Warren State Hospital, Board of Trustees of Wernersville State Hospital, Board of Trustees of Torrance State Hospital, Board of Trustees of Ashland State Hospital, Board of Trustees of Blossburg State Hospital, Board of Trustees of Coaldale State Hospital, Board of Trustees of Connellsville State Hospital, Board of Trustees of Hazleton State Hospital, Board of Trustees of Locust Mountain State Hospital, Board of Trustees of Nanticoke State Hospital, Board of Trustees of Philipsburg State Hospital, Board of Trustees of Scranton State Hospital, Board of Trustees of Shamokin State Hospital, Board of Trustees of Laurelton State Village, Board of Trustees of Pennhurst State School, Board of Trustees of Polk State School, Board of Trustees of Cumberland Valley State Institution for Mental Defectives, Board of Trustees of Selinsgrove State Colony for Epileptics;

In the Department of Property and Supplies, Board of Commissioners of Public Grounds and Buildings, State Art Commission.

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commission be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of department or of independent administrative boards or commissions and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commissions are

respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 401. Board of Trustees of State Institutions.—The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

The terms of the members of each such board shall be four years, and until their successors are qualified.

Five members of any such board shall constitute a quorum.

Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person. This section shall apply to:

Board of Trustees of Thaddeus Stevens Industrial School, Board of Trustees of Pennsylvania State Oral School for the Deaf, [Board of Trustees of Home for Training in Speech of Deaf Children,] Board of Trustees of Pennsylvania Soldiers' Orphan School, Board of Trustees of West Chester State Teachers' College, Board of Trustees of Millersville State Teachers' College, Board of Trustees of Kutztown State Teachers' College, Board of Trustees of East Stroudsburg State Teachers' College, Board of Trustees of Mansfield State Teachers' College, Board of Trustees of Bloomsburg State Teachers' College, Board of Trustees of Shippensburg State Teachers' College, Board of Trustees of Lock Haven State Teachers' College, Board of Trustees of Indiana State Teachers' College, Board of Trustees of California State Teachers' College, Board of Trustees of Slippery Rock State Teachers' College, Board of Trustees of Edinboro State Teachers' College, Board of Trustees of Clarion State Teachers' College, Board of Trustees of Cheyney Training School for Teachers, Board of Trustees of Pennsylvania Soldiers' and Sailors' Home, Board of Trustees of Eastern State Penitentiary, Board of Trustees of Western State Penitentiary, Board of Trustees of Pennsylvania Industrial School Board of Trustees of State Industrial Home for Women, Board of Trustees of Pennsylvania Training School, Board of Trustees of Allentown State Hospital, Board of Trustees of Danville State Hospital, Board of Trustees of Fairview State Hospital, Board of Trustees of Harrisburg State Hospital, Board of Trustees of Norristown State Hospital, Board of Trustees of Warren State Hospital, Board of Trustees of Wernersville State Hospital, Board of Trustees of Torrance State Hospital, Board of Trustees of Ashland State Hospital, Board of Trustees of Blossburg State Hospital, Board of Trustees of Coaldale State Hospital, Board of Trustees of Connellsville State Hospital, Board of Trustees of Hazleton State Hospital, Board of Trustees of Locust Mountain State Hospital, Board of Trustees of Nanticoke State Hospital, Board of Trustees of Philipsburg State Hospital, Board of Trustees of Scranton State Hospital, Board of Trustees of Shamokin State Hospital, Board of Trustees of Laurelton State Village, Board of Trustees of Pennhurst State School, Board of Trustees of Polk State School, Board of Trustees of Cumberland Valley State Institution for Mental Defectives, Board of Trustees of Selinsgrove State Colony for Epileptics.

Section 444 State Council for the Blind The State Council for the Blind shall consist of seven members of whom three shall be the Secretary of Welfare the Superintendent of Public Instruction and the Secretary of Labor and Industry Of the other four members one at least shall be a blind person

The terms of members shall be four years from the dates of their respective appointments

No paid employe of any school institution or other agency carrying on work for the blind shall be eligible for appointment

The council for the blind shall annually elect from its members a chairman The Secretary of Welfare shall be the secretary and executive officer of the council

Four members of the council shall constitute a quorum

At least four regular meetings of the council shall be held each year Special meetings may be called jointly by the chairman and the secretary and shall be called by the chairman on the written request of any three of the appointed members of the council

There is hereby created as an adjunct to the State Council for the Blind a committee to be known as the "Advisory Medical Committee to the State Council for the Blind" The committee shall consist of seven ophthalmologists appointed by the Secretary of Welfare They shall be called into committee by the Director of the Council for the Blind not oftener than four times during each year They shall serve without compensation but shall receive their necessary traveling and other expenses actually incurred in the performance of their duties The Advisory Medical Committee shall have the powers and its duties shall be to advise the Director of the Council for the Blind on such matters as he may bring before it and to guide the Council for the Blind in formulating its medical policy and program for the prevention of blindness and for the improvement of conditions of blind persons in the Commonwealth

Section 508. Erection, Repairs, or Alteraitons of and Additions to Buildings.—(a) No administrative department, except the Department of Property and Supplies, and no administrative board or commission, shall, except as in this act otherwise specifically provided, erect or construct, or contract for the erection or construction of, any new building, or make, or contract for making, any alterations or additions to an existing building, involving an expenditure of more than [ten thousand dollars ($10,000)] one thousand dollars ($1,000), and, in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings, or make alterations or additions, such erection or construction shall be under the [general] complete supervision and shall be the responsibility of the Department of Property and Supplies.

[(b) All repairs to or alterations of existing buildings of the Commonwealth, involving expenditures of more than one thousand dollars ($1,000), shall be subject to inspection by, and the general supervision of, the Department of Property and Supplies, which shall be notified thereof at least ten days prior to the execution of the contract, or if the work is not to be done under contract, then at least ten days prior to the commencement of the work, and all plans and specifications for repairs to or alterations of buildings, under the control of departmental administrative boards and commissions, shall be subject to approval by the departments with which such boards or commissions are respectively connected.]

(b) The Department of Property and Supplies shall made at least once every two fiscal years a survey of all buildings equipment land and improvements connected with and comprising each State institution. After making any survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements alterations and additions to its buildings land and equipment. The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution. Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of and repairs improvents alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department, board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of building used by or for the

use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above-mentioned matters by the department with which the board or commission is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions, if, in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may approve shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients.

Section 511 Sale and Transfer of Surplus Products All department boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfer may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contracts for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages The contractor shall submit to the Commonwealth certified detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not or will not receive require directly or indirectly from any employe any refund of any such minimu mwage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation of investigation report to the department board or commission which made the contract award all volations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 1304. Professional Educational and Licensure. —The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter admitted to the practice of medicine, dentistry, and pharmacy in this Commonwealth;

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations, at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient;

(e) To establish reciprocity with other States as regards preliminary education and professional licenses;

(f) To determine and publish a standard high school course, to compile, cause to be published, from time to time, a list of elementary and secondary schools in this state, which conform to the official standards promulgated by the department, and take such steps as may be appropriate to raise the standard of elementary and secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the practice of medicine, dentistry, or pharmacy respectively;

(g) To keep the records of all of the professional examining boards established in the department;

(h) To issue all certificates and other official documents of the various professional examining boards in the department: Provided, however, That the officers and members, or any of them, of any such examining board, may also sign such certificates and other documents, if such board shall have taken action authorizing such signatures;

(i) To assist any professional examining board within the department, if, as and when, requested by such board;

(j) To cooperate with the several professions whose examining bodies are within the department, in the determination and establishment of standards of professional education;

(k) Whenever under any act of Assembly, enacted at the session of the General Assembly at which this act was passed, or at any subsequent session of the General Assembly, the right to practice any profession, or work at any trade or occupation, shall be conditioned upon examination, licensure, or registration, to hold such examinations, make such investigations, require such information, and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, and, in proper cases, to issue licenses and certificates of registration. In performing its duties under this clause, the department shall appoint an advisory committee of not more than five members, of each profession, trade or occupation, applicants to practice or work at which are examined and licensed hereunder. Each such committee shall assist

the department in holding examinations, and passing upon information submitted. In cases in which there is a State association of the profession, trade, or occupation for which an advisory committee is to be selected hereunder, such State association may submit to the department, from time to time, a list of ten names of persons qualified for appointment on such committee and the department's selection of a committee, or of persons to fill vacancies thereon, shall be made from the names submitted. Members of every advisory committee, appointed by the department under the authority hereby conferred, shall serve at the pleasure of the department, and shall be compensated at the rate of fifteen dollars per diem for each day of services rendered to the department, and shall receive the expenses actually incurred by them while engaged in assisting the department, as herein provided, the payment of such expenses, however, to be subject to the rules and regulations of the Executive Board;

(l) To enforce the provisions of the several acts relating to the occupations and professions administered by the department and the professional examining boards within the department.

Section 1311. Boards of Trustees of State Institutions Within the Department.—The boards of trustees of the several State Normal Schools or Teachers Colleges, the Board of Trustees of the Cheyney Training School for Teachers, the Board of Trustees of Pennsylvania State Oral School for the Deaf, [the Board of Trustees of Home for Training in Speech of Deaf Children,] the Board of Trustees of Pennsylvania Soldiers' Orphan School, and the Board of Trustees of Thaddeus Stevens Industrial School, shall have general direction and control of the property and management of their respective institutions. Each of the said boards of trustees shall have the power, and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager;

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Superintendent of Public Instruction, to make such by-laws, rules, and regulations for the management of the institution as it may deem advisable.

Section 1402 Pennsylvania National Guard The Department of Military Affairs shall have the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all order from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accountrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid hereunder shall be subject to audit by the Department of the Auditor General

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall however as far as practical be similar in style to those of the United States Army

Section 2107 Tuberculosis Sanatoria The [department] Department of Health shall have the power and its duty shall be

(a) To maintain sanatoria or colonies for the reception and treatment of indigent persons affected with tuberculosis

(b) To approve or disapprove plans and specifications for county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis as may now or hereafter be provided by law

(c) To supervise county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis

Section 2302 Definitions As used in this article (a) "State Institutions" shall mean and include all penal reformatory or correctional institutions hospitals for the insane or any other institutions for feeble-minded or epileptic persons or for juvenile delinquents and dependents and charitable institutions within this Commonwealth maintained in whole by the Commonwealth and whose boards of trustees are departmental administrative boards within the Department of Welfare

(b) "Children's Institutions" shall mean any incorporated or unincorporated organization society corporation or agency public or private which may receive or care for children or place them in foster family homes either at board wages or free or any individual who for hire gain or reward receives for care a child unless he is related to such child by blood or marriage within the second degree or any individual not in the regular employ of the court or of an organization society association or agency duly certified by the department who in any manner becomes a party to the placing of children in foster homes unless he is related to such children by blood or marriage within the second degree or is the duly appointed guardian thereof

(c) "Maternity Home and Hospital" shall mean any house home or place in which within a period of six months any person receives for care or treatment during pregnancy or during or immediately after parturition more than one woman except women related to such person by blood or marriage within the second degree

(d) "Supevised Institution" shall mean any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth either directly or indirectly and to which the Governor does not appoint any member of the board of inspectors managers trustees or directors all houses or places within the Commonwealth in which any person of unsound mind is detained whenever the occupant or owner of the house or person having charge of such person of unsound mind receives any compensation for custody control or attendance other than as an attendant or nurse and also all institutions houses or places in which more than one such person is detained with or without compensation paid for custody or attendance all children's institutions and maternity homes and hospitals within the Commonwealth all homes or hospitals for crippled children within the Commonwealth except the State Hospital for Crippled Children

all private homes for the care of the aged all prisons jails hospitals almshouses or poorhouses maintained by any county city borough township or poor district of this Commonwealth and all institutions associations and societies within this Commonwealth into whose care the custody of delinquent dependent or neglected children may be committed and all houses and places maintained by such institutions associations or societies in which such children may be kept or detained

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs districts attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reasons therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such magistrates and other officers to make such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable instituion receiving aid from he Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rates per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus food products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the capitol buildings either in or outside the City of Harrisburg the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full time use including premiums and liability insurance covering such motor vehicles for officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by if for temporary use the purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or services made through the Purchasing Fund and for the payment of all other necessary expenses.

Estimates of the amounts to be expended from the

Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures of moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shawn the time each inmate is actually engaged in work the rates of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the Department may approve and which they are able to provide from other sources but all such work shall be performed the products thereof sold and the proceeds thereof disposed of under the rules and regulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2320 State Council for the Blind The State Council for the Blind shall have the power and its duties shall be

(a) To formulate a general policy and program for the prevention of blindness and for the improvement of the condition of the blind in this Commonwealth Such policy and program shall be modified from time to time as may be found necessary or advisable in the light of improvements in method and practice

(b) To make recommendations in accordance with such policy and practice to the several executive and administrative departments boards and commissions of this Commonwealth and to any public or private agencies therein which may be in any way concerned with work with or for the blind

(c) To cooperate with State and local agencies both public and private in taking steps to prevent the loss of sight in alleviating the condition of blind persons and persons of impaired vision in extending and improving the education advisement training placements and conservation of the blind and in promoting their personal economic social and civic well-being

(d) To act as a means for communication with other State agencies public or private and with national agencies and to cooperate in efforts to produce an enactment of legislation regarding the prevention of blindness the improvement of the blind or the regulation of private agencies for the care of the blind

(e) To collect systematic and transmit to the Department of Property and Supplies for publication and distribution to other agencies information in regard to blind persons and persons of impaired vision in this Commonwealth including their present physical and mental condition the causes of blindness and the possibilities of improvement of vision their financial status and earning capacity their capacity for education and vocational training and any other relevant information looking toward the improvement of their condition

(f) To refer cases of blind persons or problems in relation to the blind or prevention of blindness to such agencies public or private as may be likely to deal most successfully with them

(g) To encourage the cooperation of all agencies public and private doing work for the blind in this Commonwealth and of the agencies whose work is related to the prevention of blindness

(h) To supervise the expenditures of State appropriations made to such agencies except in cases in which such supervision is by law within the powers or duties of some other administrative department board or commission

(i) To aid blind persons to become self-supporting by furnishing them for their use the equipment necessary for the operation of suitable types of vending stands by the installation of equipment so furnished and by the giving of such advice and supervision as may be needed from time to time for their continued successful operation of such vending stands

Section 2402. Grounds, Buildings and Monuments in General.—The Department of Property and Supplies shall have the power, and its duty shall be:

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided;

(b) To employ such captains, sergeants of police, and police officers, as may be necessary to preserve good order in the Capitol grounds and buildings, and fix their compensation: Provided, however, That the number and compensation of such captains, sergeants and officers shall be subject to the approval of the Governor. Such captains, sergeants and officers shall be known as the Capitol Police.

(c) To employ such help as may be reasonably necessary for the cleaning, care, and preservation of the Capitol grounds and buildings, and the furnishings therein, for operating the mechanical plants in the Capitol buildings and the Executive Mansion, and for service at the Executive Mansion;

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in

any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefore, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State Government to enter into any leases, but the Department of Property and Supplies shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds.

(e) To employ and, with the approval of the Governor, fix the compensation of such capable superintendents of construction, engineers, or inspectors as may be necessary properly to supervise building, repairing, altering, adding to, or improving State buildings, in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies. Such superintendents, engineers, or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs, alterations, additions, or improvements to existing buildings, shall be faithfully carried out, and shall, subject to appeal to and final decision by the head of the department, define, determine, and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work.

(f) Out of funds appropriated to the department therefor, to purchase or condemn land, with or without buildings thereon, for the purpose of adding the same to any of the public lands or parks, or for use as sites for or in connection with arsenals, armories, military reservations, intermediate landing fields, hospitals, normal schools, teachers' colleges, penal or correctional institutions, or other institutions of the Commonwealth, whenever, in the judgment of the Governor, the purchase or condemnation of such land is necessary, or whenever such purchase or condemnation shall have been authorized by law, and an appropriation shall have been made therefor. The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws nine hundred seventy-six), entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law, or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor," its amendments and supplements. Except as otherwise in this act expressly provided, no other department, board, or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid, any other act of assembly heretofore enacted to the contrary notwithstanding.

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law, and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected: Provided, That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies, the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board;

(h) Whenever loss or damage by fire or other casualty shall occur to any structure, building, equipment, or other property owned by the Commonwealth, and be reported to the department, to make an examination thereof, and, in its discretion, subject only to the approval of the Governor, to rebuild, restore, or replace the property damaged or destroyed, and, for that purpose, to have plans and specifications prepared and contracts executed, and to supervise the erection, construction, or replacement thereof, such rebuilding, restoration, or replacement to be in substantial accord with the original character, use, and purpose of the property damaged or destroyed. The cost of the materials furnished, and work and labor performed, under such contracts, shall be certified by the department to the Auditor General, who shall issue his warrant against the Insurance Fund of this Commonwealth, which warrant shall be paid by the State Treasurer, in the manner provided by law: Provided, That whenever the department shall have taken such action as will involve expenditures from said fund, it shall forthwith certify the probable amount of expenditure to the State Treasurer, who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into.

(i) To rent to individuals, firms, or corporations, such real estate, owned by the Commonwealth, as is not being used in connection with the work of any department, board, or commission thereof, upon such terms and conditions as the Secretary of Property and Supplies may prescribe, with the approval of the Governor in writing: Provided, however, That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year.

(j) From time to time, to rent to persons, associations, or corporations, upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings, the auditorium in the South Office Building, Number Two, when it shall not be required for the Commonwealth's use.

(k) To establish standards for the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building.

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasurer to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Fund of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several admini-

strative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon asconvenient to sell the same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Except in the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the city of Harrisburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commission having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to take a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments boards and commissions of the State Government

(b) With the approval of the President pro tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless speciafically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or resident clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and materials incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefor by causing the same to be packed in packages or boxes addressed as required in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no

longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each department board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any person who shall pay to it the sum of five dollars one copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighted and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repair-parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair-parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the place to and from which each automobile was operated the mileage traveled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408. Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings.—Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies, or to any administrative board or commission, for the erection of new buildings, or sewage or filtration plants, other service systems, or athletic fields, or other structures, or for alterations or additions, or repairs to existing buildings, or to such plants, systems, fields, or structures, to cost more than one thousand dollars ($1,000), the following procedure shall apply, unless the work is to be done by State employes, or by inmates or patients of a State institution or State institutions, or unless the deparment, board, or commission to which the General Assembly has appropriated money for the foregoing purposes is, by this act or by the act making the appropriation, authorized to erect, alter, or enlarge buildings independently of the Department of Property and Supplies, or under a different procedure:

(a) If the appropriation is to a department other than the Department of Property and Supplies, or to a board or commission, such department, board, or commission shall

notify the Department of Property and Supplies as soon as it is ready, to have plans and specifications for the work prepared;

(b) Promptly after such notice, in such cases, or promptly after any appropriation made to it becomes available, the Department of Property and Supplies shall select an architect and, if necessary, an engineer, or both, to design the work, and prepare the specifications therefor, but, in the case of building to be done for the use of any other department, or any board or commission (unless the building is on the Capitol grounds), the selection of the architect and engineer, if any, shall be subject to approval by such department, board, or commission, and, in case of departmental administrative boards or commissions, by the departments with which such boards or commissions are respectively connected. Any architect or engineer, so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval;

(c) The Department of Property and Supplies shall enter into a contract with the architect or engineer which shall provide a date for the completion of the plans and specifications, and that the plans and specifications must meet with the approval of the department, board or commission for which the building is being erected, altered, or enlarged (unless the building is on the Capitol grounds), and, in the case of departmental administrative boards or commissions, of the departments with which such boards or commissions are respectively connected, to the extent of the type and general character of the building, the floor layouts, radiation, natural light, artificial illumination, ventilation, medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared, that the plans, drawings and specifications must be approved by the Department of Property and Supplies, that the exterior design of the building must be approved by the State Art Commission, and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health, to the extent to which those departments, respectively, have jurisdiction to require the submission to them for approval of certain features of the buildings. Such architect or engineer in preparing plans and specifications, shall consult with the department, board, or commission for which the building is to be erected, altered or enlarged, but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications, within the time prescribed in the architect's or engineer's contracts, unless it shall agree to an extension thereof.

Every department, board, or commission, whose approval of plans and specifications is required hereunder, shall, within twenty days after submission thereof by the architect, or engineer, approve or disapprove all sketches, drawings, specifications, and other documents, and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work.

(d) Upon the completion of the plans and specifications, and their approval by all necessary State agencies, the Department of Property and Supplies shall invite proposals, by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth. The first and last publications of any such advertisement shall be at least ten days apart, and the department shall not advertise hereunder in more than three newspapers in the same county.

(e) The department may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, or both whether it shall invite proposals for part of the work and, if so, for what parts, shall rest within the sole discretion of the department.

(f) All proposals shall be accompanied by certificate or bank checks, in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement, and shall be publicly opened and tabulated at the time and place specified in the advertisement.

(g) The department shall, as soon as practicable, award the contracts to the lowest responsible qualified bidder, but it shall have the right to reject any or all bids, to waive technical defects and to accept or reject any part of any bid, if in the judgment of the department, the best interests of the Commonwealth shall require it.

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank checks as prescribed by the department at the time of advertising. A bidder who shall have accompanied his proposal with a certified or bank check, as aforesaid, and to whom a contract shall have been awarded, must, within ten days after such award, substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work, as shall have been prescribed by the department in its invitation for proposals, and additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work, as prescribed by the department in its invitation for proposals, conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the material or labor enter into and become component parts of the building. Such additional bond shall be held by the Department of Property and Supplies for the use of every party who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor; and, among other things, shall provide specifically that any such party may bring a suit thereon, in the name of the Commonwealth, for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due, and have execution thereon: Provided, however, That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit. Each surety bond, required hereunder, shall have as surety a surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice.

(i) No contract shall be valid or effective unless a certified copy thereof, detail break-down sheet of the work, and contract price of the work involved, shall have been filed in the offices of the Auditor General, the State Treasurer, and the department, board, or commission for which the work is to be done, promptly after the execution of the contract.

(j) The enforcement of all contracts provided for by this section shall be under the control and supervision of the Department of Property and Supplies. In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract, and on the specifications, such disagreement shall be subject to decision by the Department of Justice, and its decision shall be final.

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section, and, if they are correct, the department shall certify that the materials have been furnished, or that the work or labor has been performed in a workmanlike manner and in accordance with the contract, approve the bills, and issue its requisition therefor, or forward its certificate to the proper department, board, or commission, as the case may be.

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers, whom it may deem necessary for the proper designing of or inspection or supervision of buildings erected, altered, or enlarged by the department hereunder.

(m) Changes in the plans and specifications, or both, may be made after their approval, only with the consent of all of the departments, boards and commissions whose approval of the original plans or specifications, or both, was necessary hereunder.

(n) If the appropriation is to be a department, other than the Department of Property and Supplies, or to a board or commission, the Department of Property and Supplies shall award and enter into the contract as agent for the department, board, or commission to which the appropriation was made.

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall on or before the first day of February in each year notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish lists of all equipment furniture and furnishings stationery supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representativs for the fiscal year beginning the first day of June next following excepting only perishable foodstuffs [and fuel] for State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the term of contract but the schedules shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion The advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertisement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidder on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like manner as heretofore provided

No proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contract or by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealth or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All contracts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record of the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into

and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certiy the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on account of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safe-keeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefore

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board of commission purchase another article to replace the article so delivered such replacementl bill such department board or commission for the cost of the same Such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Section 2604 State Game Lands and Farms The Board of Game Commissioners shall have the power to acquire lands with or without mineral reservations by purchase lease gift [and] or condemnation to establish and maintain State Game Refuges Public Hunting Grounds and Game Farms for the protection hunting and propagation of game as may now or hereafter be authorized by law and to grant rights of way through State Game Lands and Game Farms to individuals or corporations who may apply therefor when it shall appear to the Board that the grant of a right of way will not so adversely affect the land as to interfere with its usual and orderly administration and when it shall appear that the interests of the Commonwealth or its citizens will be promoted by such grant Rights of way as used in this section is hereby construed to include rights of passage and haulage for any lawful purpose also rights of flowage or transmission for any lawful purpose

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of June one thousand nine hundred thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Andrews,	Flinchbaugh,	McHenry,	Siegel,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Wellwer,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobolak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,

Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 895, as follows:

An Act to amend section eight hundred and one clause (a) of section eight hundred and two and the last paragraph of section one thousand one hundred and five as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the reopening of tax settlements by the Department of Revenue under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and one and clause (a) of section eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" are hereby amended to read as follows

Section 801 Settlements to be Made by Department of Revenue (a) All settlements of taxes and bonus due the Commonwealth which have heretofore been made by the Auditor General or by the Auditor General and State Treasurer shall after the effective date of this act be made by the Department of Revenue

(b) All such settlements shall as far as possible be so made that notice thereof may reach the taxpayer at least (60) days before the end of the year succeeding the year for which the tax or bonus report or return was made or ought to have been made Provided That the Department of Revenue may reopen any settlement within a period of five years after the same was made in any case where it appears to the Department that any taxpayer has made a fraudulent return and thereby has evaded payment of any part of any tax due

(c) All such settlements including estimated settlements and reopened settlements shall be subject to audit and approval by the Department of the Auditor General or to correction by the Board of Finance and Revenue as hereinafter provided

(d) If the Department of Revenue shall not be satisfied with the appraisement and valuation of capital stock or of property or capital located and used within this Commonwealth as made and returned by the officers of any corporation joint-stock association limited partnership or other company it is hereby authorized and empowered to make a valuation thereof based upon facts contained in the report or return made by such officers or upon any information within its possession or that shall come into its possession and to settle an account on the valuation thus made for taxes bonus penalties and interest due the Commonwealth

(e) If the Department of Revenue shall not be satisfied with the correctness of the report made to it by the officers of any bank savings institution title insurance company or trust company it is hereby authorized and empowered to summon the officers of such bank savings institution title insurance company or trust company to appear before it upon notice to do so on a day to be fixed by the department and to bring with them the books of such bank savings institution title insurance or trust company for examination and it shall have the right to have further evidence to satisfy itself as to the correctness of the report made to it on the question of the value of the shares of stock of such bank savings institution title insurance company or trust company according to the rule provided by law

Section 802 Procedure for Making Settlement

(a) Promptly upon making any settlement whether in the first instance or pursuant to a reopened settlement the Department of Revenue shall transmit the original settlement with all of the papers appertaining thereto to the Department of the Auditor General

Section 2 The last paragraph of section one thousand one hundred and five of said act as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

If a resettlement shall not be authorized hereunder within the time above prescribed an account upon which a final discharge has been granted shall not except as provided in section eight hundred and one of this act as hereby amended be opened but shall be quieted and finally closed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Andrews,	Flinchbaugh,	McHenry,	Siegel,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2219, as follows:

An Act to further amend section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" fixing the compensation to be paid for controllers and accountants in school districts of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws six hundred seventy-nine) is hereby further amended to read as follows

Section 2623 The compensation for auditors in school districts of the second class shall together with suitable allowances for qualified assistants and for other necessary expenses be fixed by the board of school directors of said districts on application from time to time made by the auditors with itemized statements of services assistants and other necessary expenses and in school districts of the third class the compensation for auditors shall be five dollars ($5.00) per day for each day necessarily spent by each auditor Provided That in any of school district of the third class having the office of controller the compensation of the controller shall be fifteen dollars ($15.00) per day for each day necessarily spent by him and the total expense of such auditing including the cost of filing the report advertising and other necessary costs shall be paid by the school district The compensation of any certified public accountants employed by any school district of the second and third class shall be fixed by the directors of such district and paid by the district

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Andrews,	Flinchbaugh,	McHenry,	Siegel,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,

Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason.		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

The SPEAKER. House Bill No. 306, Printer's No. 1515 is erroneously on the final passage calendar. It should be on the third reading calendar. If there are no objections the Chair will lay it before the House now for its consideration. The Chair hears none.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 306, as follows:

An Act providing for the registration of milk bottles and containers forbidding refilling using selling purchasing giving taking retaining destroying disposing or trafficking in same without the written consent of owners imposing penalties fines and imprisonment providing what shall constitute prima facie proof forbidding defacement covering up removing or concealing name mark or device defining procedure providing that the requiring taking or accepting a deposit shall not be deemed a sale providing that registration prior to this act entitles registrants to benefits of act and providing for the transfer of certificates of registration

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person copartnership association or corporation engaged in bottling selling or delivering milk or cream with his her their or its name or names or other mark or marks or device or devices branded stamped engraved blown impressed or otherwise produced on the bottles or containers in which said milk or cream is bottled sold or delivered may file in the office of the Secretary of the Commonwealth a description of the name or names marks or devices so used by him her them or it respectively and cause such description to be printed once a week for two weeks successively in a newspaper published in the county in which the principal office or place of business of the owner shall be located and upon legal proof being furnished the Secretary of the Commonwealth a certificate shall be issued by the Secretary of the Commonwealth upon payment of the sum of one dollar which certificate shall be competent evidence in any court of law of the Commonwealth of Pennsylvania of the right of such person or persons or such corporation or corporations to absolute use of such bottles or containers with such devices marked thereon and of the publication and registration of the same

Section 2 It is hereby declared unlawful for any person corporation partnership or association other than the owner thereof to refill such bottle or bottles or other containers marked in the manner described in section one with milk or cream or to use said bottles or containers for any purpose whatsoever or to deface cover up or otherwise remove or conceal such name mark or device thereon or to sell buy give take retain or destroy or otherwise dispose of or traffic in the same without the written consent of the owner or owners thereof being first obtained

Section 3 The use possession control in any manner whatsoever of five or more bottles by any person copartnership association or corporation other than the person copartnership association or corporation whose device name or mark shall be or shall have been upon any such marked or distinguished bottle or who shall have the legal right to use and control such bottle or other containers after a description of such name mark or device shall have been filed and published in the manner provided for in the first section of this act and a certificate issued therefor without the written consent as aforesaid or the buying selling disposing of destroying or trafficking in any such bottles or other containers by any person other than the owner or owners thereof without such written consent or having in his her their or its possession by any junk-dealer or other dealers in second-hand articles of any such bottles or other containers a description of the marks names or devices thereon shall have been so filed and published as aforesaid without such written consent is declared to be prima facie evidence of the unlawful use retention purchase of or traffic in such bottles or other containers

Section 4 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or any individual violating any of the provisions of the second section of this act shall be guilty of a misdemeanor and upon conviction thereof shall for the first offence be subject to a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) together with the costs or prosecution or in case of nonpayment of such fine and costs of prosecution to undergo and imprisonment in the county jail for a period not exceeding twenty (20) days

Section 5 Any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association or individual violating any of the provisions of the second section of this act shall be guilty of a misdemeanor and upon conviction thereof shall for a second or any subsequent violation of the provisions of the second section of this act be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars and in default of the payment of such fine and costs to undergo an imprisonment in the county jail for a period of thirty (30) days

Section 6 Upon the conviction of any person being the general manager superintendent or other person in charge of the work of any corporation partnership or association of violating any of the provisions of this act any bottles or containers marked in accordance with the provisions of section one of this act found in the possession of the corporation partnership or association employing said general manager or superintendent or other person in charge of the work shall be returned to the registered owner of said bottles or other containers and upon the conviction of any other individual in like manner shall the bottles and containers found in his or her possession be returned to the registered owner

Section 7 All fines collected under the provisions of this act shall be paid to the county where said conviction was had

Section 8 The requiring taking or accepting of any deposit upon the delivery of any bottle or other container the name mark or device upon which has been filed and published as provided for in the first section of this act shall not be deemed to constitute a sale thereof either optional or otherwise

Section 9 Any person copartnership association or corporation having heretofore filed in any of the offices mentioned in the first section of this act a description of the name or names marks or devices under his her their or its property herein mentioned and having also caused the same to be published according to the law existing at the time of such filing and publication shall not be required to again file and publish such description in order to be entitled to the benefits of this act Provided however That if such person copartnership association or corporation shall have obtained a certificate from the Secretary of the Commonwealth and thereafter retire from business such person copartnership association or corporation shall have the right to legally transfer such certificate to such person or persons corporation or corporations who shall succeed such persons in the business aforesaid

Section 10 In the event that any one or more of the provisions of this act should be decided to be unconstitutional the court's decision holding the same unconstitutional shall not affect the validity of the remaining pro-

visions of this act it being the intention of the Legislature that the provisions of this act are severable

Section 11 All laws or parts of laws inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—169

Achterman,	Filnchbaugh,	McDevitt,	Shreiner,
Alexander,	Flynn,	McElroy,	Shugarts,
Allen,	Furman,	McHenry,	Siegel,
Andrews,	Gates,	McKinney,	Simpson,
Arnold,	Gerard,	McIchlorre,	Sinwell,
Aukerman,	Gillette,	Mentzer,	Sloan,
Baker, J J.,	Greenstein,	Merrell,	Smith, J A.,
Baldi,	Habbysnaw,	Moomaw,	Smith, W. G.,
Barber,	Haberlen,	Mooney,	Snyder, F. E.,
Barnhardt,	Hagerty,	Moran,	Snyder, J. L.,
Blumberg,	Haluska,	Moul,	Spangler,
Boose,	Hamilton, F. P.,	Muir,	Sproul,
Boyd, R.,	Harkins,	Munley,	Stank,
Boyer,	Harmuth,	Murrin,	Stevens,
Bradley,	Hart,	Nagel,	Stewart,
Brennan,	Hartman,	Nothnagle,	Stockham,
Brown, H. S.,	Hefferon,	O'Keefe,	Stone,
Brown, J. E.,	Hermansen,	O'Neill,	Stott,
Brownfield,	Hetrick,	Panton,	Sumney,
Brumbaugh,	Hindman,	Patterson, C.,	Surface,
Burke,	Hirsch,	Patterson, J. W.,	Tronzo,
Cannon,	Hoffner,	Pearson,	Trout,
Caputo,	Holstrom,	Perry,	Tumelty,
Carson,	Hoopes,	Pfaff,	Van Allsburg,
Chervenak,	Horst,	Phillips,	Van Sickle,
Coakley,	Jackson,	Piole,	Walker,
Cochran,	Jones,	Powers,	Wall,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Rinn,	Welliver,
Conner,	Kinney,	Roan,	Welsh,
Coolahan,	Klinger,	Robinson,	Westrick,
Davies,	Kobelak,	Ruffennach,	White,
Decker,	LaRue,	Ruth,	Wickersham,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Schrock,	Wood,
Dilley,	Lovett,	Schrope,	Woodside,
Downey, G. E.,	Lynch,	Schwab,	Yeakel,
Downey, J. J.,	Male,	Schwartz,	Yourishin,
Eberharter,	Mallen,	Shaw,	Zappala,
Eroe,	McCreary,	Shortz,	Sarig,
Flanagan,	McDermott,		

NAYS—32

Altenburg,	Duffort	Holland,	Root,
Atkins,	Falkenstein,	Kilroy,	Scanlon,
Baine,	Ferko,	Longaker,	Shepard,
Bernhard,	Finnerty,	Moore,	Sowers,
Brancato,	Fitch,	Ominsky,	Tahl,
Carr,	Forrest,	Parks,	Terry,
Castor,	Green,	Peters,	Winner,
Cordier,	Hamilton, R. S.,	Reising,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1755, as follows:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and other making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any group of thirty or more individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or convenience which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse and whose net receipts from alcoholic beverages shall not be more than fifty per cent of the gross receipts of the Club

"Corporation" shall mean a corporation or joint stock association organized under the laws of this Commonwealth the United States or any other territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accommodating at least forty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures which contain more than one-half of one per cent of alcohol by volume except alcohol and malt liquors

"Malt Liquor" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor as marketed by the manufacturer

"Person" every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing meals for the public the place to have an area within a building of not less than five hundred square feet equipped with tables and chairs accommodating at least fifty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto

"Sale" or "Sell" shall include any transfer of liquor for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests patrons or members and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members

Liquor may be sold by licensees other than clubs only after seven o'clock antemeridian of any weekday and until two antemeridian of the following week day and shall not be sold by licensees other than clubs on Sunday or on any day on which a general municipal special or primary election is being held

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 2 This act shall be effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. SURFACE. Mr. Speaker and ladies and gentlemen of the House, it seems to me that all that is necessary is to call the attention of this intelligent body to what this bill provides. It is simply atrocious to think that we are asked to vote for a bill that provides for the sale of liquor at all times of the day and night and on Sunday and on election days inclusive. It seems to me that all that is necessary is for us to comprehend what this means and we will express our disapproval of it. Also it provides for the sale of liquor upon the premises to be either consumed there or to be carried away in packages. Certainly we do not want such a condition in this state that will permit the sale of liquor on the Sabbath day and at all times of the day and night and on election day.

I could say much more on this subject but I feel it is only necessary to call attention to the atrocities that it contains.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—39

Achterman,	Fitch,	Melchiorre,	Scanlon,
Andrews,	Flanagan,	Moran,	Shepard,
Baine,	Hagerty,	Nothnagle,	Sinwell,
Barber,	Haluska,	O'Keefe,	Sproul,
Brancato,	Hoopes,	Ominsky,	Turner,
Burke,	LaRue,	O'Neill,	Van Sickle,
Chervenak,	Long,	Pfaff,	Wasserman,
Cohen,	Lovett,	Reising,	Weidemann,
Downey, J. J.,	Male,	Root,	Zappala,
Falkenstein,	Mallen,	Ruth,	Sarig,
Finnerty,			

NAYS—132

Alexander,	Dilley,	McCreary,	Shreiner,
Allen,	Downey, G. E.,	McDermott,	Shugarts,
Arnold,	Duffort,	McDevitt,	Siegel,
Atkins,	Eroe,	McElroy,	Simpson,
Aukerman,	Ferko,	McHenry,	Sloan,
Baker, J J.,	Flynn,	McKinney,	Smith, J. A.,
Baldi,	Gates,	Mentzer,	Snyder, F. E.,
Barnhardt,	Gerard,	Merrell,	Sowers,
Bernhard,	Gillette,	Moomaw,	Stank,
Blumberg,	Green,	Mooney,	Stevens,
Boyd, R.,	Greenstein,	Moore,	Stewart,
Boyer,	Habbyshaw,	Muir,	Stockham,
Bradley,	Haberlen,	Murrin,	Stone,
Brennan,	Hamilton, F. P.,	Nagel,	Sumney,
Brown, H. S.,	Hamilton, R. S.,	Panton,	Surface,
Brown, J. E.,	Harkins,	Patterson, C.,	Tahl,
Brownfield,	Hart,	Patterson, J. W.,	Terry,
Brumbaugh,	Hermansen,	Pearson,	Tronzo,
Cannon,	Hirsch,	Peters,	Trout,
Caputo,	Holland,	Perry,	Tumelty,
Carr,	Holstrom,	Phillips,	Van Allsburg,
Carson,	Horst,	Powers,	Walker,
Castor,	Jackson,	Reynolds,	Wall,
Coakley,	Jones,	Rinn,	Weiss,
Cochran,	Kane,	Roan,	Welliver,
Coleman,	Keiger,	Robinson,	Welsh,
Condon,	Kelso,	Ruffennach,	Westrick,
Conner,	Kilroy,	Sarraf,	Winner,
Coolahan,	Kinney,	Schrock,	Witkin,
Cordier,	Klingler,	Schrope,	Woodside,
Davies,	Kobelak,	Schwab,	Yeakel,
Decker,	Linderman,	Schwartz,	Yourishin,
Dent,	Longaker,	Shortz,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

(During the calling of the roll and before the result was announced.)

REASON FOR VOTE

Mr. WITKIN. Mr. Speaker, I desire to incorporate in the record the reason for my changing my vote from "aye" to "no". The reason for my "no" vote on this bill is that this bill contains a provision on page six that a hotel or restaurant licensee shall not maintain any counter or bar over which liquors are sold to guests, patrons or members.

Although the other provisions of this bill are satisfactory to me, the provision failing to permit the sale of liquor over the bar is my reason for voting "no".

The SPEAKER. The gentleman's reasons will be spread upon the record.

POINT OF ORDER

Mr. LONG. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. LONG. Mr. Speaker, is it in order for a gentleman to announce his reasons for change of vote before the final vote has been announced and announce that reason orally?

The SPEAKER. A member may state his reason orally but should file it in writing.

SENATE MESSAGES

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 564.

An Act making appropriations to th Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

HOUSE BILL No. 893.

An Act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period.

HOUSE BILL No. 1005.

An Act requiring tax collectors of townships of the first class to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania.

HOUSE BILL No. 2145.

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor".

HOUSE BILL No. 2212.

An Act to further amend section five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class and providing when liability on such bond shall cease.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. RUTH asked and obtained permission for the Committee on Ways and Means to meet during the session of the House.

RECONSIDERATION OF VOTE

Mr. WITKIN. Mr. Speaker, I move that the vote by which House Bill No. 1755, Printer's No. 1539, entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days.

was defeated on final passage today be reconsidered.

Mr. BLUMBERG. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Witkin, vote?

Mr. WITKIN. I voted "no", Mr. Speaker.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Blumberg, vote?

Mr. BLUMBERG. I voted in the negative, Mr. Speaker.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker and members of the House, the purpose of making this motion is to give the lady from Philadelphia, Miss Brancato, the opportunity of amending the bill to read, as I believe, she intended it to read.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appear to have it.

Whereupon, a division was called for, eighty-five members having voted in the affirmative and forty-five in the negative, the question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. EROE, from the Committee on Municipal Corporations, reported as committed, House Bill No. 2991, (Senate Bill No. 562), entitled:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An

act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2988, (Senate Bill No. 1535), entitled:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 2999, (Senate Bill No. 366), entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at the Dixmont Hospital Dixmont Allegheny County.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 2074, (Senate Bill No. 184), entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 2976, (Senate Bill No. 891), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

Mr. COHEN, from the Committee on Appropriations, reported as amended, House Bill No. 2890, (Senate Bill No. 1345), entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski.

Mr. COHEN, from the Committee on Appropriations, reported as amended, House Bill No. 3008, (Senate Bill No. 1598), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available.

Mr. HOMER S. BROWN, from the Committee on Appropriations, reported as amended, House Bill No. 2848, (Senate Bill No. 847), entitled:

An Act making an appropriation to the Trustees or the University of Pittsburgh for the general maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

Mr. DILLEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1494, (Senate Bill No. 307), entitled:

An Act providing for the payment of costs of prosecution in all cases where fines or forfeited bail is payable to the Commonwealth and imposing duties on the fiscal officers of the Commonwealth.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2991 (Senate Bill No. 562), entitled:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2988 (Senate Bill No. 1535), entitled:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2999 (Senate Bill No. 366), entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at the Dixmont Hospital Dixmont Allegheny County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2074 (Senate Bill No. 184), entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2976 (Senate Bill No. 891), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS INTRODUCED AND REFERRED

By Mr. RUTH. HOUSE BILL No. 3025.

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax.

Referred to the Committee on Ways and Means.

By Mr. RUTH. HOUSE BILL No. 3026.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray current and or other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-five, evidenced by tax anticipation notes secured by and payable from current revenues levied, assessed, collectible and o accruing during such two fiscal years; defining the powers and duties of the State Treasurer in relation thereto, providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Referred to the Committee on Ways and Means.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Ways and Means will meet immediately after this session in the Conference Room.

A meeting of the Democratic Caucus will be held in the House Caucus Room at 7.00 P. M.

All members of the Rural League of the House are invited to attend the final meeting and dinner to be held Thursday, June 20, at 6.30 P. M., in the dining room of the Pine Street Presbyterian Church across the street from the Main Capitol Building. The dinner is free to members of the League, but each member will be expected to pay for his guests at 75c per plate. It is essential that the Committee know how many will attend. Notify J .Harold Arnold, John W. Decker or Herbert G. Gates, Dinner Committee, or Miss Lois McCartney, Secretary. There will not be a meeting of the Rural League tonight.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 9.00 P. M. Are there objections? The Chair hears none and declares a recess until 9.00 P. M.

AFTER RECESS

The House reconvened at 9.00 P. M.
The SPEAKER (Wilson G. Sarig) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1035. (HOUSE BILL No. 3013).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

Referred to the Committee on Insurance.

SENATE BILL No. 467. (HOUSE BILL No. 3014).

An Act making an appropriation to the General Hospital East Stroudsburg Monroe County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1242. (HOUSE BILL No. 3015).

An Act to amend section four of the act approved the twenty-second day of July, one thousand nine hundred and nineteen (P. L. 1093), entitled "An act creating, in counties having a population of from eight hundred thousand to one million five hundred thousand, a board for the assessment and revision of taxes; providing for the appointment of the members of such board by the county commissioners; fixing their salaries, payable by the county; defining the powers and duties of such board, and regulating the assessment of property and occupations for State and county purposes; authorizing the appointment of subordinate assessors and clerks, defining their duties and providing for their compensation, payable by such counties; imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act, and abolishing the office of ward, borough, and township assessor, in so far as respects the assessment of property and occupations for State and county purposes;" providing that the Board of Assessors of cities of the second class shall, for the year one thousand nine hundred and thirty-six, and subsequent years, furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities; and further providing that, in the appointment of subordinate county assessors, only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

Referred to the Committee on Counties.

SENATE BILL No. 1398. (HOUSE BILL No. 3016).

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1482. (HOUSE BILL No. 3017).

An Act to amend section one thousand three hundred two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1509. (HOUSE BILL No. 3018).

An Act creating a Highway Accident Prevention Commission in the Department of Revenue and defining its powers and duties.

Referred to the Committee on Highways.

SENATE BILL No. 1528. (HOUSE BILL No. 3019).

An Act to amend section thirteen of the act approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining the licensing of osteopaths in this State; and to provide penalties for the violation of this act," as amended; prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr.," before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 1531. (HOUSE BILL No. 3020).

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties.

Referred to the Committee on Agriculture.

SENATE BILL No. 1539. (HOUSE BILL No. 3021).

An Act to further amend section twelve of the act approved the third day of June, one thousand nine hundred and eleven, (P. L. 639), entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation or suspension of licenses given by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

Referred to the Committee on Education.

SENATE BILL No. 1583. (HOUSE BILL No. 3022).

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Revenue to sell at public sale for the best price obtainable tracts of lands acquired by the Commonwealth of Pennsylvania for State Intermediate Landing Fields and providing for the disposition of the purchase price received for said lands.

Referred to the Committee on Aeronautics.

SENATE BILL No. 1469. (HOUSE BILL No. 3023).

An Act providing for the burial of indigent dead throughout the Commonwealth prescribing the procedure thereof and delimiting the costs thereof imposing certain duties on directors of the poor and or the county commissioners in the several counties and providing penalties.

Referred to the Committee on Counties.

SENATE BILL No. 1582. (HOUSE BILL No. 3024).

An Act making an appropriation to the Department of Forests and Waters for a survey of Harvey's Lake in Luzerne County.

Referred to the Committee on Appropriations.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk:

THE WHITE HOUSE

Washington, June 11, 1935.

My dear Mr. Gallagher:

The President has received the copy of the Resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania. He has asked me to thank you for your courtesy in sending it to him.

Very sincerely yours,

LOUIS McH. HOWE,
Secretary to the President.

Honorable W. P. Gallagher,
Chief Clerk,
House of Representatives,
Harrisburg.
Pennsylvania.

SENATE MESSAGE

AMENDED SENATE BIILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1296.

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title extending the time for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent.

SENATE MESSAGE

AMENDED SENATE BIILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 547.

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

SENATE MESSAGE

AMENDED SENATE BIILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 114.

An Act making an appropriation to the Trustees of Lincoln University Chester County.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 89.

An Act to prohibit discrimination on account of race creed or color in employment under contracts for public buildings or public works.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1286.

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for and conferring jurisdiction to enjoin violations of the act providing for the granting of licenses to widows nonresidents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition terms and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1601. (HOUSE BILL No. 3027).

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1602. (HOUSE BILL No. 3028).

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1165. (HOUSE BILL No. 3029).

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers.

Referred to the Committee on Appropriations.

SENATE BILL No. 1356. (HOUSE BILL No. 3030).

An Act making an appropriation to the Department of Military Affairs for the payment of certain damage claims.

Referred to the Committee on Appropriations.

SENATE BILL No. 1425. (HOUSE BILL No. 3031).

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws.

Referred to the Committee on Counites.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1278.

An Act limiting the mileage cost for return of subpoenas in criminal cases to the trips actually made and imposing certain duties on controllers and district attorneys.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by striking out after the word "for" the word "service" and inserting in lieu thereof the word "return".

Amend Section 1, page 1, line 4 by striking out after the word "the" the following: "district attorney of any county secures the service of subpoenas by any officer or individual it shall be the duty of such district attorney in the issuance of such subpoenas for service in so far as is possible to group the subpoenas to individuals in the same locality and the officer or person so serving shall receive mileage only for trips actually made and not mileage on each separate subpoena served regardless of the number of actual trips", and inserting in lieu thereof the following: "the officer or indivdual who has served subpoenas issued by the district attorney for any

term of court shall make return thereof as required by law he shall be required to return all subpoenas received within a reasonable time prior to such return day at one and the same time and in making such return of subpoenas he shall receive mileage only for trips actually and necessarily made in returning such subpoenas and not mileage on each separate subpoenas returned In order to carry into effect the provisions of this section the district attorney in issuing subpoenas shall so far as conveniently may be mail or cause to be delivered subpoenas going to the same officer or individual for a term of court at one and the same time".

Amend Section 2, page 1, line 13, by striking out after the word "person" the word "serving" and inserting in lieu thereof the word "returning"; also line 13 by striking out after the word "subpoenas" the words "at the instance of" and inserting in lieu thereof the words "issued by"; also in line 15, by adding after the words "approved by" the words "the county controller and where there is no controller".

On the question,

Will the House concur in the amendments made by the Speaker?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL INTRODUCED AND REFERRED

By Mr. FURMAN, HOUSE BILL No. 3032,

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1798.

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases seduction criminal conversation and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page one, line three by striking out after the word "cases" the words "seduction criminal conversation."

Amend section one, line seven by striking out after the word "spouse" the words "and seduction and criminal conversation."

Amend section five, page two, line twenty-eight by striking out after the word "act" the words "seduction criminal conversation."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,

Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2332.

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section one, page one, line five by striking out after the word "county" the word "State dog;" also on page two line fifteen by inserting after the word "all" the word "such"; also in line twenty-six by inserting after the word "said" the words "warrant or."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2205.

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establsh and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended requiring county superintendents to call meetings of public scool teachers for the purpose of instruction the expenses thereof to be paid by the school district.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

HOUSE RECEDES FROM AMENDMENTS

Mr. RUTH. Mr. Speaker, I move that the House recede from its amendments non-concurred in by the Senate.

On the question,

Will the House agree to the motion?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows ,viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Bald,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the House receded from its amendments non-concurred in by the Senate.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 979.

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and certain public service companies and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 15, by striking out the heavy brackets before and after the word "and"; also page 2, line 1, by striking out after the word "statistics" the words "and certain public service companies."

Amend Section 3, page 5, line 1, by striking out the words "on the first day of July one thousand nine hundred and thirty-five" and inserting in lieu thereof "on the day of their appointment which shall be within ten days after the final enactment of this act."

Amend Section 5, page 7, line 22, by striking out after the word "the" the word "State" and inserting in lieu thereof the word "city"; also page 8, line 19, by striking out the following:

"(c) Not later than July twentieth of each year any five or more qualified electors of any election district of the same political party may file with the commission their petition for the appointment of one qualified person also a member of said party as registrar The petition shall set forth the name address qualifications occupation and political affiliation of the person suggested for appointment as a registrar and give the respective residences of the petitioners and declare that each of them belong to the same party as that designated as the party of the candidate which petition shall be signed by each petitioner in his own handwriting and sworn to by one of them and by the candidate

More than one petition may be filed on behalf of the same party for each election district provided that no elector shall be competent to sign petitions for more than one candidate but if any candidate dies withdraws or becomes disqualified before the last day of filing petitions aforesaid any elector who recommended him may sign a petition for another candidate Provided however That each such petition filed in the year one thousand nine hundred and thirty-five may contain the names of two candidates for registrar

All petitions shall be open to public inspection and not earlier than July twenty-sixth of each year the commission shall commence public hearings thereof considering them on consecutive week-days in the numerical order of the wards and of the election districts within each ward to which they relate respectively unless reasonable cause be shown for postponing any hearing to a later time or date and reasonable notice of such postponement given to all concerned

The commission shall publish one general notice of the place and times or days when they will examine the candidates from the election districts of the various wards at least three days prior to the first hearing in at least two daily newspapers each having a paid circulation of at least fifty thousand copies daily in the city and shall mail to each candidate a special notice of the time and place when he will be examined regarding his qualifications at least three days before the day fixed for same except that the commission need not notify any candidate who had

previously been appointed a registrar to appear but may reappoint him without such examinations

If more candidates are duly nominated as members of any party than it is entitled to have appointed the commission shall appoint the candidate or candidates whom it considers most fit and if there are not sufficient fit candidates nominated on behalf of any party the commission may appoint other persons without regard to party of whom it has knowledge No person shall be appointed a registrar unless the appointment is approved by three commissioners

(d) Any vacancy occurring in the office of registrar of any election district shall be filled by the commission upon like petition as those filed for an annual appointment after such petitions shall have been on file open to public inspection at least five days except in cases where a vacancy occurs within ten days of any registration day when it may appoint any proper person of whom it has knowledge

(e) Any qualified elector of the city may appear before the commission and show wherein any person nominated for appointment or appointed as a registrar does not possess the requisite qualifications and the commission may decline to appoint any candidate and may remove any registrar whom it considers unfit

If it appears at any time that by reason of a change in political affiliations or because of error in the appointment the registrars of any election district are not divided according to political affiliations as herein provided any ten electors of the election district may file a petition with the commission setting forth the facts and praying that one or more of the appointments be revoked and that other appointments be made Upon presentation of such a petition one of the commissioners shall fix a time not less than five days thereafter and at least three days' notice shall be given by mail to all the registrars of such elections district when a public hearing shall be given all concerned and if the facts are then found to be as represented the commission shall give the relief asked for"

Also page 11, line 14, by inserting before the word "Not" the letter "(c)"; also line 29, by striking out after the word "party" the word "if" and inserting in lieu thereof the word "If"; also line 29, by striking out after the word "such" the heavy face brackets; also page 12, line 1, by striking out the heavy face bracket before the word "party"; also line 2, by inserting after the word "candidates" the words "from the names appearing on such list"; also line 3, by striking out after the word "sufficient" the word "fit"; also line 3, by inserting after the word "candidates" the word "qualified to serve as registrars under the provisions of this act"; also line 5, by inserting after the word "persons" the words "of the same party"; also line 5, by striking out after the word "knowledge" the heavy face bracket; also page 12, line 5, by adding the following:

"(d) Should any vacancy occur in the office of registrar of any election district by reason of the death resignation removal of or for any other reason the commission shall immediately thereafter notify in writing the city chairman of the party in which such registrar was enrolled of that fact Thereupon the city chairman of such party may within three days thereafter file with the commission a written list of names of members of said party whom such chairman recommends for appointment as registrar to fill such vacancy Such list shall likewise contain the name address and qualifications of each person so recommended to fill the vacancy and shall be on file and open to public inspection at least five days except in cases where a vacancy occurs within ten days of any registration day in which case the time for filing such list and the time during which such list shall remain on file and open to public inspection shall by order of the commission be reduced to such time or times as shall be reasonable under the circumstances The vacancy shall be filled by the commission in like manner as in making the annual appointments of registrars as provided by this act

(e) Any qualified elector of the city may appear before the commission and show wherein any person nominated for appointment or appointed as a registrar does not possess the requisite qualifications and the commission may decline to appoint any such candidate and may remove any such registrar who is not qualified The commission shall thereupon appoint another person for the said office of registrar in the same manner as provided by this act for filling vacancies occurring in the office of registrar

If it appears at any time that by reason of a change in political affiliations or because of an error in appointment the registrars of any election district are not divided according to political affiliations as herein provided any ten electors of the election district may file a petition with the commission setting forth the facts and praying that one or more of the appointments be revoked and other appointments be made Upon presentation of such a petition the commission shall fix a time not less than five days thereafter and at least three days notice shall be given by mail to all the registrars of such election district and the city chairman of the party in which such registrar or registrars are enrolled when a public hearing shall be given all concerned and if the facts are then found to be as represented the commission shall give the relief asked for and shall appoint another person or persons in place of such registrar or registrars in the same manner as provided by this act for the filling of vacancies occurring in the office of registrar."

Also page 12, line 21, by striking out after the word "vouchers" the words "and register persons who are qualified and who appear at the office of the commission as herein provided";

Amend Section 7, page 14, line 23, by striking out after the word "counsel" the words "a sufficient" and inserting in lieu thereof the word "the"

Amend Section 9, page 15, line 26, by striking out after the word "commissioner" the words "or the chief clerk of the commission or any of its clerks or employes designated by the commission"

Amend Section 12, page 17, line 6, by striking out after the word "of" the word "a" and inserting in lieu thereof the word "the"

Amend Section 13, page 17, line 24, by inserting after the word "registration" the word "of"; also line 27, by striking out the words "registrars commissions" and inserting in lieu thereof "registered Registrars the commission"; also page 18, line 2, by striking out after the word "registrar" the word "Commission" and inserting in lieu thereof the words "the commission"

Amend Section 16, page 19, line 6, by striking out the heavy faced brackets before and after the word "odd-numbered"; also line 6, by striking out after the word "the" the words "ninth Saturday" and inserting in lieu thereof the words "second Tuesday"; also line 7, by striking out after the word "the" the words "municipal or general election" and inserting in lieu thereof the words "fall primary"; also line 7, by striking out the heavy face bracket before the word "which"; also line 12, by striking out the heavy face bracket after the word "registration"; also line 25, by striking out after the word "commissioner" the words "or the chief clerk appointed by the commission or any clerk or employe designated by the commission"; also page 20, line 8, by inserting after the word "registration" the following: "and shall examine said applicants under oath and shall record on the duplicating registration card the names of and other facts concerning those whom the commission or the commissioner so acting as registrar shall determine to be qualified as hereinafter provided"; also line 9, by striking out after the word "the" the word "Commission" and inserting in lieu thereof the words "county commissioners"; also line 13, by striking out after the word "said" the word "Commission" and inserting in lieu thereof the words "county commissioner"

Amend Section 19, page 23, line 21, by striking out after the word "the" the word "rooms" and inserting in lieu thereof the word "room"; also line 23, by striking out after the word "respectively" the word "it" and inserting in lieu thereof the word "It"

Amend Section 20, page 25, line 27, by striking out after the word "ensuing" the words "general or municipal"; also line 28, by striking out after the word "as" the word "hereinafter"; also line 29, by inserting after the word "provided" the words "by this act"; also page 26, line 5, by striking out after the word "commissioner" the words "or the chief clerk of the commission or a clerk or em-

ployе designated by the commission" and inserting in lieu thereof the word "shall"

Amend Section 21, page 26, line 24, by inserting after the word "elector" the words "of the election district"

Amend Section 22, page 29, line 13, by inserting after the words "United States" the words "or by making affidavit of such facts stating therein the place and date of her husband's birth to the best of her knowledge information and belief"; also line 18, by striking out after the word "proce" the word "their" and inserting in lieu thereof the word "his"; also line 19, by striking out after the word "when" the words "they apply" and inserting in lieu thereof the words "he applies"; also line 27, by striking out after the word "such" the word "persons" and inserting in lieu thereof the word "person's"

Amend Section 23, page 30, line 12, by inserting after the word "sign" the words "their names or"

Amend Section 24, page 30, line 23, by inserting after the word "primary" the following: "Provided if the application to be registered has been denied by the registrars at the fall registration in the year one thousand nine hundred and thirty-five or on any subsequent odd-numbered year such petition shall be filed not later than the twelfth day prior to the fall primary in such year and the time for a public hearing thereof shall be fixed not later than the seventh day prior to such fall primary

Amend bill, page 34, line 23, by striking out after the word "Section" the figures "261" and inserting in lieu thereof "26.1"; also line 26, by striking out after the word "notices" the word "shall" and inserting in lieu thereof the word "may"; also page 32, line 6, by striking out after the word "shall" the words "sign his name" and inserting in lieu thereof the words "subscribe to an affidavit in which the elector shall swear or affirm as to the truth of the statement made by him therein"; also line 7, by striking out after the word "may" the word "be" and inserting in lieu thereof the word "by"; also line 8, by inserting after the word "properly" the words "the said removal notice"; also line 8, by striking out after the word "and" the words "signing a removal notice" and inserting in lieu thereof the words "swearing or affirming before a commissioner registrar or any other person duly authorized under this act or the laws of this Commonwealth to administer oaths as to the truth of the statements made by him in the removal notice"

Amend Section 26.2, page 33, line 2, by striking out after the word "a" the word "signed"; also line 2, by striking out after the word "out" the words "or a signed request containing the required information" and inserting in lieu thereof the words "and verified by an affidavit by the elector in which he swears or affirms before a commissioner registrar or any other person duly authorized under this act or the laws of this Commonwealth to administer oaths as to the truth of the statements made by him therein"; also line 15, by striking out after the word "new" the word "resicence" and inserting in lieu thereof the word "residence"; also page 34, line 11, by striking out after the word "of" the word "his" and inserting in lieu thereof the word "the"; also by striking out after the word "district" the words "established his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice" and inserting in lieu thereof the following: "in which he resides on one of the days and at the time prescribed by this act for registration and register again in the manner provided by this act and who if then a qualified elector shall thereupon be registered

(e) Nothing contained in this act shall be construed as preventing any registered elector who after having so registered has removed his residence to another location in the same city from applying in person at the office of the commission or before the registrars of the district in which he resides on one of the days and at the time prescribed by this act for registration and register again in the manner provided by this act and who if then a qualified elector shall thereupon be registered."

Amend Section 27, page 34, line 28 by striking out after the word "or" the word "alter" and inserting in lieu thereof the word "changed"; also page 35, line 19, by striking out after the word "the" the word "hearing" and inserting in lieu thereof the words "time fixed for the presentation"; also line 21, by inserting after the word "affirms" the words "or has prior thereto filed an affidavit at the office of the commission in which it is sworn or affirmed"

Amend Section 28, page 36, line 3, by striking out after the word "registration" the words "Reports by Certain Public Utility Companies of Removals"; also line 15, by striking out after the word "accordingly" the following: "(c) All public utility companies furnishing electricity or gas to householders in such cities shall report in writng from time to time not more often than once monthly to the commission upon the request of the commission all cases of discontinuance of their service to residents together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known by them

The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in said report and to all the members of his family and household who are electors registered from the same address the notice provided by the following section and shall proceed thereupon in accordance with the provisions of that section"

Amend Section 29, page 37, line 2, by striking out after the word "the" the word "fifteenth" and inserting in lieu thereof the word "thirtieth"; also page 38, line 3, by striking out after the word "unless" the words "he proves"; also line 4, by inserting after the word "elector" the words "are proved"

Amend Section 30, page 38, line 17, by inserting after the word "certificate" the words "or badge"; also line 17, by inserting after the word "appointment" the word "as"; also page 39, line 11, by striking out after the word "the" the word "fifth" and inserting in lieu thereof the word "tenth"; also line 12, by inserting after the word "ensuing" the words "provided that if the next ensuing election is a fall primary the date and hour which the notice shall appoint shall not be later than the fifth day preceding such fall primary"; also line 23, by striking out after the word "person" the words "who has proved his" and inserting in lieu thereof the word "whose"; also by inserting after the word "elector" the words "has not been proved"

Amend Section 31, page 40, line 6, by striking out after the word "the" the word "commissions" and inserting in lieu thereof the word "commission"

Amend Section 32, page 40, line 26, by striking out after the word "the" the word "seventh" and inserting in lieu thereof the word "fifth"; also page 41, line 5, by striking out after the word "same" the word "people" and inserting in lieu thereof the word "persons"; also line 7, by striking out after the word "lists" the words "except the various city committees shall receive but five copies"

Amend Section 33, page 42, line 1, by striking out after the word "him" the words "to the registrars"; also line 8, by inserting after the word "therefor" the following: "Any person whose name appears on a register shall be deemed prima faci to be legally registered at the place given as his residence on the registration card and in such cases the failure of such person to appear at the hearing shall not be considered sufficient reason for removing his name from the register The burden of proving that such person is not a resident of the election district in which he is registered or that for any other reason his name appears illegally thereon shall be upon the petitioner and such proof shall be made by evidence which would be legal and competent before a court of record produced at such hearing but the Com-"; also page 42, line 21, by striking out the heavy face bracket before and after the word "such"

Amend Section 34, page 43, line 8, by striking out after the word "the" the word "pools" and inserting in lieu thereof the word "polls"

Amend Section 35, page 43, line 24, by striking out after the word "Vote" the words "If Identified by Signature"; also line 25, by striking out after the word "List" the words "And Voters' Certificates As"; also line 28, by striking out after the word "Of" the words "Voters Certificates and Register" and inserting in lieu thereof the word "Lists"; also page 44, line 2, by striking out after the word "city" the following: "and who upon applying to vote shall have signed his name to a voter's certificate in the

form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers"; also line 16, by striking out the following: "(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applied to vote but each such elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer"; also page 45, line 6, by striking out the letter "(d)" and inserting in lieu thereof the letter "(b)"; also line 7, by striking out after the word "party" the words "and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified"; also line 20, by striking out the letter "(e)" and inserting in lieu thereof the letter "(c)"; also page 45, line 29, by striking out after the word "overseer" the word "of" and inserting in lieu thereof the word "or"; also page 46, line 4, by striking out the heavy face bracket before the word "betting" and after the word "or"; also line 7, by striking out after the word "least" the word "two" and inserting in lieu thereof the word "one"; also line 16, by striking out after the word "qualified" the word "electors" and inserting in lieu thereof the word "elector"; also line 17, by striking out the following:

"(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be inform approved by the Secretary of the Commonwealth substantially as follows

"Voter's Certificate

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....
Address .....
..... Pennsylvania
Approved .....
Number of stub of ballot issued (or number of admission to voting machines) .....
(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's name over his signature and after the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the name of the district and date of the primary or election and the said voter's certificates so bound shall in such city constitute the voting check list heretofore required by law All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the commission with the list of voters"

Also page 48, line 3, by striking out the letter "(g)" and inserting in lieu thereof the letter "(d)"; also page 48, line 11, by inserting after the word "register" the following:

"At each primary and election one of the election officers shall make a list of persons voting by writing down the name and address of each elector as he is found qualified to vote and he is handed his ballot or goes into the voting compartment containing the voting machine as the case may be the election officer shall mark a "V" in front of such name The list of names so taken and marked shall be known and thereafter used as the "voting check list"

Also line 18, by striking out after the word "The" the words "voters' certificates herein called the"

Amend Section 36, page 49, line 11, by striking out after the word "signature" the following: "one each" and inserting in lieu thereof the words "of the"; also line 11 by striking out after the word "each" the words "voter's certificate" and inserting in lieu thereof the words "challenge affidavit made by voters when challenged at an election"; also line 16, by striking out after the word "of" the words "voter's certificates" and inserting in lieu thereof the words "the challenge affidavits"

Amend Section 37, page 51, line 5, by striking out after the word "application" the words "before a commissioner or registrars"

Amend Section 38, page 51, line 8, by striking out after the word "Affidavits" the words "Advertisement and"; also line 15, by striking out after the word "it" the following:

"Provided however That before any such cancellation is made publication of the information contained in the notice provided for in section thirty-seven of this act shall be made in at least one newspaper of general circulation as defined by the Newspaper Advertising Act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) having a paid circulation of at least fifty thousand copies daily in the city"

Amend Section 39, page 52, line 13, by striking out after the word "whose" the words "name although previously registered has been removed and not restored by the commissioner upon a petition filed for that purpose as herein provided" and inserting in lieu thereof the words "registration has been cancelled by the Commission" Also line 17, by striking out after the word "any" the word "general";

Amend Section 40, page 54, line 6, by striking out after the word "the" the word "commission" and inserting in lieu thereof the word "commissioners"; also line 9, by striking out after the word "unless" the word "it" and inserting in lieu thereof the word "they"

Amend Section 41, page 54, line 22 by striking out after the word "commission" the words "by the county commissioners"

Amend Section 42, page 56, line 20 by striking out after the word "not" the words "less than three (3) months nor"; also page 57, line 2, by striking out after the word "not" the words "less than three (3) months nor"; also line 10 by striking out after the word "to" the word "underto" and inserting in lieu thereof the word "undergo"; also line 12, by striking out after the word "not" the words " less than three (3) months nor"; also page 57, line 25 by striking out after the word "not" the words "less than three (3) months nor"; also page 58, line 9, by striking out after the word "not" the words "less than three (3) months nor"; also page 58, line 17, by striking out after the word "not" the words "less than three (3) months nor"; also page 59, line 4, by striking out after the word "not" the words "less than three (3) months nor"; also line 13, by striking out after the word "not" the words "less than three (3) months nor"; also line 26, by striking out after the word "not" the words "less than three (3) months nor"

Amend Section 43, page 60, line 8, by striking out after the word "effect" the words "from and after the first day of July one thousand nine hundred and thirty-five", and inserting in lieu thereof the words "upon its final enactment"

Amend Section 44, page 61, line 4, by striking out after the word "granting" the word "the" and inserting in lieu thereof the word "them"; also page 61, line 25 by striking

out at the beginning the word "pool" and inserting in lieu thereof the word "poll"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. BLUMBERG. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1943.

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page one, line one by striking out after the word "making" the words "an appropriation" and inserting in lieu thereof the word "appropriations".

Amend bill, page two, line five by inserting the following new sections:

"Section 2 In addition to the appropriation made by section one of this act the sum of one thousand four hundred seventy-three dollars and eight cents ($1,473.08) is hereby appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the Department for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes as provided by law during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to the Department by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Department of Public Instruction out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SPECIAL ORDER ON HOUSE BILL NO. 1083

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour, House Bill No. 1083, Printer's No. 1087.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1083, as follows:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam or mercury boilers steam engines turbines designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "operator" shall mean a person who operates or has charge of the equipment specified in Section 1 of this Act

As used in this Act "boiler" shall mean a steam or mercury boiler in which pressure is generated to drive equipment and including all piping and apparatus connected thereto up to and including the stop valve or valves nearest the boiler

"Equipment" shall mean stationary steam or mercury boilers steam engines turbines and appurtenances thereto

"Department" shall mean the Department of Public instruction of the Commonwealth of Pennsylvania

"Establishment" shall mean a commercial or industrial building or place within the Commonwealth

"Place of public assembly" shall mean any building or portion thereof designed intended or used for purposes of entertainment instruction or amusement

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section II It shall be unlawful for any person to have charge of or to operate equipment in any establishment or place of public assembly in this Commonwealth unless said person holds a license as is hereinafter provided for it shall be unlawful for any owner or user of any equipment to operate or cause or permit to be operated any equipment except by a duly licensed operator it shall be unlawful for any licensed operator to delegate such operation to any person not so licensed

Section III Every person wishing to operate any of the equipment mentioned in this act shall make written application for a license to the Department on the form prescribed by the Department Every such person shall be at least twenty-one years of age and shall have been employed in operating or in assisting in the operation or maintenance of equipment during the ten years immediately preceding the date of his application for a total term of not less than two years The application shall contain a detailed statement of such employment Every such application shall be accompanied by the affidavit of the applicant of one operator and of one employer as to the truth of the statements contained in the application Each application shall be accompanied by a fee of $5.00

Section IV The Department shall make inquiry into the character habits of life and experience of the applicant The Department shall after reasonable notice to the applicant submit the applicant to a written examination in the construction and operation of steam or mercury boilers steam engines turbines and pumps or in such of these subjects as relate to the operation of the equipment for which a license is requested The examination shall be uniform throughout the Commonwealth and shall be conducted under the rules and regulations adopted by the Department

Section V If upon such examination the applicant is found proficient in such subjects a license shall be granted to him to have charge of and to operate only such equipment as from the application and examination the Department shall determine the applicant to be capable of operating for one year from the date on which it is issued Such equipment shall be specified on the license The Department shall upon application by a licensed operator before ten days after the expiration of such license issue a renewal thereof annually upon the payment of a renewal fee of two dollars ($2.00) Otherwise the license shall become null and void

Section VI Any person who shall have operated equipment during the ten years immediately preceding the passage of this act for a total term of not less than two years or who holds at the date of passage of this act a license to operate equipment issued under the authority of any municipal subdivision of this Commonwealth shall upon application to the Department on the form indicated in Section III and the payment of a fee of two dollars ($2.00) within six months after the passage of this act be entitled without examination to a license to operate such equipment only as is indicated by his application he shall have previously operated or is presently operating and shall be entitled to the same privilege of annual renewal as hereinbefore granted to other licensed operators

Section VII Upon written charges made to the Department by any person after notice and hearing the Department may revoke the license of a person guilty of fraud in obtaining or using such license or who becomes insane or is addicted to the liquor or drug habit to such a degree as to render him unfit to operate equipment

Section VIII Any licensed operator of equipment who shall leave or be suspended or discharged from any place of employment shall within ten days notify the Department of such fact The owner or user of such equipment shall in like manner notify the Department of such fact

Section IX Each operator shall exhibit his license under glass in a conspicuous place in his engine room or boiler room Each operator shall sign his own license

Section X To carry out the provisions of this act the Department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the examination and registration of operators of equipment

Section XI All fees provided for in this act shall be paid to the Department of Public Instruction who shall transmit the same to the State Treasurer through the Department of Revenue

Section XII Nothing in this Act shall be construed to prohibit the licensure or regulation of operators of power equipment by any subdivision of this Commonwealth in addition to the requirements of this Act

Section XIII It shall be the duty of the Department of Public Instruction to enforce the provisions of this act

Section XIV Prosecutions for violations of the provisions of this act or the rules and regulations of the Department may be instituted by the Department and shall be in the form of summary proceedings before an alderman magistrate or justice of the peace Upon conviction after a hearing the penalties herein provided for shall be imposed and shall be final unless an appeal be taken to a court of proper jurisdiction in the manner prescribed by law

Section XV Any person who shall violate any of the provisions of this act or the rules and regulations of the Department as herein provided for shall be guilty of a misdemeanor and shall be penalized by a fine of not more than one hundred dollars and costs and upon nonpayment thereof imprisonment in the county jail for not more than ten days

Section XVI All fines collected under this act shall be forwarded to the Department of Public Instruction who shall transmit the same to the State Treasury through the Department of Revenue

Section XVII This act may be cited as the Power Equipment Operator's License Act of 1935

Section XVIII The provisions of this act are severable and in the event that any provisions thereof should be declared unconstitutional it is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect

Section XIX The act approved the eighteenth day of April one thousand eight hundred ninety-nine (Pamphlet Laws forty-nine) entitled "An Act to provide for the beter protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the first class in this Commonwealth and providing penalties for violations" and its amendments the act approved the fourth day of April one thousand nine hundred and five (Pamphlet Laws one hundred two) entitled "An Act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers steam engines and appliances connected therewith in cities of the second and third class of this Commonwealth and providing penalties for violation" and its amendments and all other acts or parts of act inconsistent with the provisions of this act are hereby repealed

Section XX This Act shall be effective and operative sixty days after its signing by the Governor

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you is House Bill No. 1083, Printer's No. 1087. This bill has been before the House on two occasions, and I believe voted upon on two occasions, and was then again before the House and almost reached a vote and was then placed upon the postponed calendar. It now before us for final passage.

The bill pretends to be a bill for the better protection of life and property, but the bill is not such a bill. The bill pretends to license engineers, so that the public might be protected against high pressure boilers. The bill divides the boilers into two classifications: first, boilers that drive power equipment; and second, boilers that do not drive power equipment. The boilers that do not drive power equipment can be and are as dangerous as those that drive equipment.

I submit to you that if it is necessary for the protection of human life, then the engineers that are in charge of the boilers that heat our high schools should be licensed and should be qualified. The engineers that are in charge of large halls and places of entertainment, they too should be licensed and should be qualified, but this bill eliminates all of these engineers and leaves the public open to all kinds of dangers.

At the present time we have in the city of Philadelphia a system founded on the act of 1891, and a prior act of 1864, which works very efficiently and some eleven hundred applicants for license for boiler engineer have been rejected. If this bill were enacted into law, those eleven hundred rejected applicants would immediately be turned loose on the public, not for better protection of public life and health but to the injury and damage of the public.

Now, members of this House, we have in Pennsylvania approximately thirty-three thousand engineers. Only about forty percent would come under this bill. This bill purposely eliminates the other sixty percent. This bill purposely destroys the system of boiler inspection in first and second class cities of this Commonwealth. This bill purposely leaves the school children, the people and the patrons of public places of entertainment open to danger. This bill does not take care of the sixty percent of engineers that ought to be looked after and who should be qualified and who are now qualified in Philadelphia.

Shall we take a step backward and let these unqualified engineers have charge of our schools and look after our places of amusement? I ask you to vote "no" on this bill.

Mr. LONG. Mr. Speaker and members of the House, I shall endeavor to be as brief as possible in order to conserve the time of the House. It appears to me that a bill to license stationary engineers is a subject for debate in this House.

The principle of licensure of trades and professions for the protection of the public is a well established principle in the state of Pennsylvania. To be more specific, the principle of licensing stationary engineers in this state has already been passed upon twice by separate sessions of the General Assembly. I shall try to clear up a few of the misapprehensions which may have been created by the talk of the gentleman from Philadelphia. In the first place, there is a provision in this bill which takes in the effect of ordinances which have been passed in first, second and third class cities. They will not be superceded by any provisions of this licensing act. Those ordinances will remain in effect to protect the public. In addition to that, this bill will extend to the entire state the benefits of licensure which are enjoyed to a certain extent by first, second and third class cities today. This bill has the endorsement of the State Federation of Labor. It is favored by the engineers themselves. It is also favored by manufacturers and employers throughout the state who desire to know the qualifications of the men who submit themselves to these employers for employment as stationary engineers.

This bill received very careful consideration in the House Committee on Education. A public hearing was had, where the parties concerned were heard. There amendments and proposals were submitted and given due consideration, and those of value were incorporated into the bill.

Therefore, I ask you as members of the Assembly in order to extend the benefits of licensure to the entire state, to vote "aye" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—92

Alexander,	Davies,	Linderman,	Roan,
Arnold,	Dent,	Long,	Robinson,
Atkins,	Dilley,	Lovett,	Ruffennach,
Aukerman,	Downey, G. E.,	Male,	Ruth,
Baine,	Falkenstein,	McDermott,	Sarraf,
Baker, J. J.,	Finnerty,	McElroy,	Scanlon,
Barber,	Fitch,	Mooney,	Shepard,
Bernhard,	Flanagan,	Moran,	Sinwell,
Boose,	Furman,	Murrin,	Sproul,
Bradley,	Haberlen,	Nagel,	Stank,
Brancato,	Hagerty,	Nothnagle,	Stevens,
Brown, H. S.,	Harkins,	O'Keefe,	Sumney,
Brown, J. E.,	Harmuth,	Ominsky,	Tronzo,
Brownfield,	Hermansen,	O'Neill,	Tumelty,
Brumbaugh,	Hirsch,	Panton,	Turner,
Burke,	Holland,	Patterson, C.,	VanAllsburg,
Cannon,	Holstrom,	Patterson, J. W.,	Van Sickle,
Caputo,	Hoopes,	Pearson,	Weidemann,
Carson,	Kelder,	Perry,	Welsh,
Coakley,	Kilroy,	Pfaff,	White,
Cochran,	Kinney,	Piole,	Yourishin,
Coleman,	Klingler,	Reising,	Zappala,
Condon,	Kobelak,	Rhys,	Sarig,
Cordier,			

NAYS—75

Altenburg,	Gillette,	McKinney,	Spangler,
Baldi,	Greenstein,	Merrell,	Stewart,
Barnhardt,	Habbyshaw,	Moomaw,	Stockham,
Blumberg,	Haluska,	Moore,	Stone,
Boyd, R.,	Hamilton, F. P.,	Moul,	Stott,
Boyer,	Hamilton, R. S.,	Muir,	Surface,
Brennan,	Hart,	Peters,	Tahl,
Castor,	Hartman,	Phillips,	Terry,
Chervenak,	Hefferon,	Root,	Trout,
Cohen,	Hoffner,	Schrock,	Wall,
Conner,	Horst,	Schwab,	Wasserman,
Decker,	Kane,	Schwartz,	Weiss,
Denning,	Kelso,	Shugarts,	Welliver,
Downey, J. J.,	Longaker,	Simpson,	Wickersham,
Duffort,	Mallen,	Sloan,	Winner,
Eberharter,	McCreary,	Snyder, F. E.,	Witkin,
Ferko,	McDevitt,	Snyder, J. L.,	Wood,
Flynn,	McHenry,	Sowers,	Yeakel,
Gates,			

Less than the majority required by the Constitution having voted in the affirmative, the questioon was determined in the negative and the bill falls.

SPECIAL ORDER ON HOUSE BILL NO. 932

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour, House Bill No. 932, Printer's No. 1382.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 932, as follows:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on

mayors city councils county commissioners and election officers

Article I

Procedure for Adoption or Discontinuance

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in pursuance of the authority granted by section one of article fifteen of the Constitution of the Commonwealth any city of third class may adopt the city manager plan of government by the following procedure

Section 102 Question to be Voted on for Adoption Any city of the third class shall become subject to all the provisions of this act upon submission to the electors of such city at a public election and the adoption by a majority vote of the electors voting thereon of the following question

"Shall the city of .....adopt the city manager plan of government"

Section 103 Procedure for Securing Submission The county commissions of the proper county shall submit such question to the electors of such city upon the adoption of a resolution by the council of such city requesting the holding of such an election and the filing of a duly certified copy thereof with the county commissioners or upon the filing with the county commissioners of a petition making such request signed by qualified electors of the city equal in number to at least ten per centum of the population of the city according to the last United States census

Section 104 Regulations Concerning Petitions for Submission Petitions for such purpose shall be signed in ink or indelible pencil Each elector signing shall give his occupation place of residence and date of signing No signature shall be valid unless affixed thereto within thirty days of the filing thereof Any number of such petitions may be circulated among the electors contemporaneously and all separate original petitions when filed shall be treated together as one original petition Each separate petition paper shall be verified by the affidavit of the circulator thereof before any officer authorized to administer oaths Such affidavit shall set forth the residence of the circulator by street and number or other description sufficient to identify the place and shall state that each signature on the nomination paper was made in his presence on the date indicated and is the genuine signature of the person whose name it purports to be

Section 105 Time and Manner of Submission The question shall be submitted to the electors at the next general or municipal election occurring not less than sixty days after the filing of the petition or resolution The question shall be placed on the ballot votes cast thereon and returns made and computed in the manner and under the regulations provided by law for the submission of constitutional amendments or other questions to a vote of the people Before this question can be considered as having carried it shall be necessary that a majority of all of the registered voters approve the same

Section 106 Resubmission Permitted The failure of the electors to adopt the city manager plan at any election shall not prevent the submission of the question under the provisions hereof at any general or municipal election occurring at least three years thereafter

Section 107 Effective of Adoption If the electors of the city vote affirmatively on the adoption of the city manager plan the city shall thereafter be governed under the provisions of Article II of this act which shall take effect therein on the first Monday of January following the next succeeding election of city councilmen

Section 108 Transition to Manager Plan All officers and employes of any city holding office at the time the city manager plan goes into effect therein under the provisions of this act shall continue in office until superseded by the appointment or election of their successors or the termination of their offices as herein provided The council shall have power to provide by ordinance for any details of the transition to the manager plan not specified by law

Section 109 Procedure for Discontinuance Any city which has adopted the city manager plan may discontinue its use by a vote of the electors thereof initiated by a resolution or petition requesting such a vote under the requirements prescribed herein for a vote on the adoption of the plan The question printed on the ballot in such cases shall be

"Shall the city manager plan of government be continued in the City of ....."

No proceedings shall be taken to discontinue the plan until it has been in effect at least two years

Section 110 Effect of Discontinuance If the electors of the city vote against continuing the city manager plan of government the city shall cease to be governed by the provisions of Article II of this act on the first Monday in January following the next succeeding election of city councilmen and the city shall then be governed as provided by general law The city council shall have power to provide for the transition by ordinance A city which has adopted the city manager plan of government under the provisions of this act and subsequently discontinued it may readopt it by the same procedure as that provided for its original adoption but no proceedings shall be taken to readopt the plan until at least two years after it has been discontinued

Section 111 Notice of Election Notice by advertisement of the holding of each election for the adoption or discontinuance of the city manager plan shall be given in the manner and under the regulations provided by law for the giving of notice of the holding of elections for the election of public officers and the adoption of constitutional amendments or other questions

Section 112 Watchers Electors filing petitions for the adoption or discontinuance of the city manager plan under the provisions of this act may in any such petition designate not less than three nor more than twenty-five of their number as a political committee which committee shall have the same rights as political parties to appoint watchers in the manner required by law at any election to be held for the adoption or discontinuance of the city manager plan under the provisions of this act Such a political committee with the same power to appoint watchers may also be designated by a petition filed with the county commissioners for that purpose and signed by qualified electors of the city at least equal in number to one-tenth of the number required for submission of the question of adoption or discontinuance of the city manager plan by petition under the provisions of this act Any such petition shall be signed verified and filed in the manner prescribed for petitions requesting the submission of the said question Watchers appointed under the provisions of this section shall have the same rights as watchers appointed under the general laws regulating general and municipal elections except that they shall serve without compensation and need not be residents of the election districts in which they serve

Article II

The City Manager Plan

Section 201 Short Ballot In a city in which the city manager plan is in effect under the provisions of this act no city officials shall be elected at the polls except members of the council (including the mayor) and in the discretion of council the controller All other officials (including the treasurer after the expiration of the term of the treasurer in office at the time of the adoption of the city manager plan) shall be appointed as hereinafter provided The controller holding office at the time of the adoption of the city manager plan shall complete his term but thereafter the duties of controller may be performed by a controller or other officer appointed by the city manager as the council may by ordinance prescribe In case the controller is not elected at the polls there shall be an annual independent audit of the city's finances as provided in section two hundred and fifteen

Section 202 City Manager The council of any city in which the city manager plan is in effect under the provisions of this act shall appoint by majority vote of all its members a city manager who shall be the chief executive and administrative officer of the city The manager shall receive such compensation as the council shall determine He shall be chosen solely on the basis of his executive and administrative qualifications and need not be at the time of his appointment a resident of the city or of the state He shall not engage in any other business or profession so long as he shall hold the office of city manager No person elected to the council shall be eligible for the office of city manager during the term for which he was elected

Section 203 Removal of Manager The manager shall hold office for an indefinite term but may be removed at any time by vote of a majority of all members of the council Provided however That he shall not be removed until the reasons for his proposed removal have been placed of record on the minutes of council and a copy thereof has been furnished him and until he has received a public hearing thereon before the council if he so requests Pending and during such a hearing the council may suspend him from office for a period not exceeding thirty-days

Section 204 Powers and Duties of Manager The manager shall be responsible to the council for the entire administration of the city government except as herein otherwise provided He shall

I Prepare and recommend to council an annual budget

II Execute and enforce all laws ordinances and contracts of the city

III Appoint and remove the heads of all departments boards and bureaus and all other officers and employes of the city except those elected at the polls and except as otherwise provided in this act and supervise and control his appointees

IV Make such recommendations to council as he may deem expedient or necessary make reports or recommendations to council upon request and at least once a year present a record of his work for the information of council and of the public and

V Perform such other duties as may be required by ordinance or resolution of council

Section 205 Control of Manager and his Subordinates by Council Neither the council nor any of its committees or members shall direct or dictate the appointment of any person to or his removal from office by the manager or any of his subordinates Except for the purpose of inquiry or receiving information or advice council and its members shall deal with the administrative services under the manager solely through the manager and neither the council nor any member thereof shall give orders to any of the manager's subordinates

Section 206 Attendance of Officials at Council Meetings The manager and such other officers as the council shall determine shall meet regularly with the council and have full privilege of discussion but no vote

Section 207 Temporary Appointments In case of absence or disability of the manager the council may appoint a qualified person to perform the duties of manager temporarily If the office of manager becomes vacant the council shall appoint without delay either a new manager or an acting manager to fill the office until a new manager is chosen

Section 208 Appointments by Council In Addition to the city manager the council shall appoint the city clerk or clerk of council and such other officers of council and committees thereof as it shall deem necessary or advisable The appointment of a city solicitor by the city manager shall be subject to confirmation by the council

Section 209 Mayor The mayor shall continue to be the titular head of the city government and its representative at public functions but shall have no administrative duties and shall make no appointments in the administrative service

Section 210 Transfer of Administrative Functions No member of the council shall have any administrative powers or duties Any such powers or duties vested in members of the council before the adoption of the city manager plan of government shall be transferred by ordinance to the city manager or his subordinates

Section 211 Combination of Offices The council may authorize the manager to act himself in the capacity of any appointive officer or officers of the city or to combine the functions of any two or more such officers in any one of his appointees

Section 212 Reorganization of City Government the council may by ordinance from time to time on recommendation of the manager create new departments bureaus and offices under the manager fix the powers duties number of employes and compensation therefor abolish any existing departments bureaus or appointive offices not specifically provided for in this act or redistribute the powers and duties of existing departments bureaus and appointive officers When any department bureau or office is thus abolished any duties performed thereby which are required of the city by law shall be allotted by ordinance to some other department bureau or office under the manager or to the manager himself

Section 213 Term of Office of Manager's Appointees All officers appointed by the manager shall hold office for an indefinite term and shall be subject to removal by the manager at any time

Section 214 Elective Officers Except as herein otherwise provided officers elected at the polls shall continue to enjoy the powers and perform the duties of their offices as theretofore

Section 215 Independent Audit As soon as practicable after the close of each fiscal year an independent audit may be made and if there is no elective controller shall be made of all accounts of the city government by qualified public accountants selected by the council who have no personal interest directly or indirecIty in the financial affairs of the city government or of any of its officers The results of this audit shall be made public immediately upon its completion

Section 216 Salaries The compensation of all officers and employes of the city shall be fixed by ordinance but shall not exceed any maximum limits imposed by law for the same officers in cities which have not adopted the city manager plan The compensation of any officer or employe may be changed at any time but any increase in the salary of councilmen shall not take effect until the terms of a majority of the members of the council making the increase have expired All councilmen shall receive the same salary except that a greater salary not to exceed the maximum allowed in cities which have not adopted the manager plan may be given the mayor

Section 217 Courts and Schools not Affected This act shall not affect the organization of the courts or of the public schools

Section 218 Laws and Ordinances to Remain in Effect All laws affecting the city now or hereafter enacted and all ordinances previously enacted by the legislative body thereof shall remain in effect until amended or repealed except in so far as they are inconsistent with the provisions of this act

Article III

General Provisions

Section 301 Application of General Laws No provision of any law hereafter enacted which conflicts or is inconsistent with any of the provisions of this act shall affect the government of cities in which the city manager plan of government is in effect under the provisions of this act unless such law specifically designates such cities and general references in such conflicting or inconsistent provisions to all cities or to cities of a class shall not be deemed to include cities in which the manager plan is in effect under the provisions of this act

General provisions of law relating to cities which are not in conflict or inconsistent with the provisions of this act shall apply to all cities which come under the terms thereof including those in which the city manager plan is in effect under the provisions of this act

Section 303 Meaning of Terms Wherever used in this act masculine pronouns shall be deemed to include the feminine A reference to the council of a city shall be deemed to refer to the legislative body thereof whether ordinarily designated by that term or not A reference to any county official shall be deemed to refer to the specified official of the county in which the city concerned is situated

Section 304 Short Title This act may be known and cited as the City Manager Act for Third Class Cities

Section 305 Effective Date This act shall take effect immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker and members of the House, House Bill No. 932, has been referred to as "The City Manager Bill". It is not a city manager bill. It is a referendum measure, permitting third class cities to adopt the city manager plan of government if they so desire. If there is any principle to which the Democratic party is definitely committed, if there is any principle to which this House is definitely committed, it is the prin-

ciple of referendum. You have recognized the referendum principle in passing legislation affecting baseball. In this legislature, you have recognized the referendum principle in the Moomaw bill, in the movie legislation, and you recognized the principle in race horse legislation. The referendum is a principle from which the Democratic party cannot depart, and its a principle from which the Republican party in the past has not chosen to depart. Home rule is a sound doctrine. Yet, I recognize the fact, gentlemen of the House, that the larger cities of this state are the outposts of political empire, and that there are political considerations that might induce political leaders in those larger centers not to desire a city manager form of government, but even where that is the case, such consideration should not be urged for the purpose of preventing third class cities from adopting the city manager form of government, if they so desire.

This bill has been amended so that the city manager form of government cannot be adopted unless a majority of all the voters registered,—not a majority of the voters at a single election,—but a majority of all the voters registered so desire, and unless the proposition of adopting the city manager form of government does secure a majority of all the voters registered, the proposition falls, and I submit to the House that any principle of home rule in local government that can secure for its support a majority of all the voters registered is entitled to your support.

Mr. O'KEEFE. Mr. Speaker and members of the House, I am in accord with some of the provisions of this bill, but I have consistenly opposed any legislation that would permit our local governments to have people come in from out of the state and take control of our local government. I believe that we can find men well qualified in our cities and in our state to carry on the functions of our government, and they would have a keener interest in the city in which they live. For this reason I oppose this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—71

Andrews,	Falkenstein,	McHenry,	Sloan,
Arnold,	Flinchbaugh,	Moomaw,	Smith, J. A.,
Atkins,	Furman,	Moran,	Smith, W. G.,
Aukerman,	Gates,	Moul,	Stevens,
Baine,	Haberlen,	Murrin,	Stewart,
Barber,	Haluska,	Nagel,	Stockham,
Boose,	Harkins,	Patterson, C.,	Stone,
Boyer,	Harmuth,	Pearson,	Sumney,
Brennan,	Hermansen,	Pfaff,	Tronzo,
Brown, H. S.,	Hindman,	Powers,	Tumelty,
Brown, J. E.,	Hirsch,	Reising,	VanAllsburg,
Brownfield,	Kane,	Robinson,	VanSickle,
Carson,	Kelso,	Ruth,	Weiss,
Chervenak,	Kilroy,	Schrock,	Welliver,
Cohen,	Klingler,	Schwab,	Westrick,
Dent,	LaRue,	Shortz,	Zappala,
Downey, G. E.,	Lovett,	Siegel,	Sarig,
Eroe,	McCreary,	Simpson,	

NAYS—111

Alexander,	Finnerty,	McDevitt,	Shepard,
Allen,	Fitch,	McElroy,	Shreiner,
Altenburg,	Flanagan,	McKinney,	Shugarts,
Baker, J. J.,	Gerard,	Melchiorre,	Sinwell,
Baldi,	Gillette,	Merrell,	Snyder, J. L.,
Barnhardt,	Green,	Mooney,	Sowers,
Bernhard,	Habbyshaw,	Moore,	Spangler,
Boyd, R.,	Hagerty,	Muir,	Sproul,
Brancato,	Hamilton, F. P.,	Nothnagle,	Stank,
Brumbaugh,	Hamilton, R. S.,	O'Keefe,	Stott,
Burke,	Hart,	Ominsky,	Surface,
Cannon,	Hartman,	O'Neill,	Tahl,
Carr,	Hefferon,	Panton,	Terry,
Castor,	Hetrick,	Patterson, J. W.,	Trout,
Cochran,	Hoffner,	Perry,	Turner,
Coleman,	Holland,	Peters,	Wall,
Condon,	Holstrom,	Phillips,	Wasserman,
Conner,	Horst,	Piole,	Weidemann,
Coolahan,	Jackson,	Reynolds,	Welsh,
Cordier,	Jones,	Rhys,	White,
Davies,	Kelder,	Roan,	Wickersham,
Decker,	Kinney,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dilley,	Linderman,	Sarraf,	Wood,
Downey, J. J.,	Longaker,	Scanlon,	Woodside,
Duffort,	Male,	Schrope,	Yourishin,
Eberharter,	Mallen,	Schwartz,	Zimmerman,
Ferko,	McDermott,	Shaw,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SPECIAL ORDER ON HOUSE BILL NO. 237

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour, House Bill No. 237, Printer's No. 1514.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 237, as follows:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries in case the electors of this Commonwealth at a referendum vote in favor of such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

Whereas It is the duty of the government for the protection of the public health safety morals and welfare to care and provide for the poor old age persons who because of enforced unemployment are not able to care for themselves and properly caring for them will remove them from industry and

Whereas The long continued period of unrest and unemployment has placed upon the tax-payers of Pennsylvania an extraordinary burden of caring for the unemployed and extra and additional taxation would be intolerable and burdensome and

Whereas The lack of revenue will soon render it difficult and impossible for the Commonwealth of Pennsylvania to further carry on its unemployment relief programme and it is imperative that its humanitarian service and relief shall be continued and

Whereas All the usual means of raising money for this purpose have been utilized to the limit and the gravity of the situation demands the employment of unusual and extraordinary means and the Legislature finds and deems it advisable to permit lotteries to be conducted to best accomplish the desired purpose and

Whereas The conducting of the lotteries contemplated herein will furnish employment to a number of unemployed persons and the sale of tickets will afford an opportunity for a great many more to earn a living by the sale of the extra tickets in each book and

Whereas Such lotteries would tend to place money in circulation and to promote spending not only in the purchase of tickets but in the purchase of commodities by the prize winners thus assisting in the restoration of trade among the inhabitants of this Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a special Old Age Assistance Relief Committee is hereby created to conduct a series of

lotteries or drawings in the manner hereinafter provided until such Committee has raised approximately one hundred million dollars ($100,000,000) for old age assistance No such lottery shall however be conducted unless the electors of this Commonwealth vote in favor thereof in order to raise funds for old age assistance as provided in this act

Section 2 Such Committees shall consist of eleven members to be selected under the supervision of the Governor of the Commonwealth of Pennsylvania in the manner hereinafter stated

Section 3 The Governor of the Commonwealth of Pennsylvania the State Treasurer the Auditor General and the Secretary of Internal Affairs and the Senate and House of Representatives if in session otherwise the president pro tempore of the Senate and the Speaker of the House of Representatives shall each nominate three honest and reliable citizens and residents of the Commonwealth of Pennsylvania The names of each of the persons so nominated shall be written on a slip of paper all of which shall be the same size and kind of paper and folded in the same manner so that none of the names shall be visible All of such slips of paper shall be placed in a container The Governor shall select a child of not greater age than twelve years who shall in the presence of the Governor and such other witnesses as may be present at the request of the Governor and such members of the General Assembly as shall desire to be present as well as any accredited newspaper reporters withdraw from such container one at a time eleven of the slips of paper contained therein The persons whose names appear on said eleven slips of paper shall constitute the membership of the Committee hereby created

Section 4 Each member of the Committee shall receive a salary for services and expenses not to exceed three hundred dollars ($300.00) for each drawing the amount to be fixed by the Governor

Section 5 The Committee may employ assistants the number and compensation of whom shall be fixed by the Committee with the advice and consent of the Governor

Section 6 All salaries and compensation and all other expenses in connection with the preparation and sale of tickets and the drawing shall be paid out of money realized from the sale of tickets Provided That the total of all such payments shall in no case exceed five per centum of the cash received by the Committee for tickets or any one drawing

Section 7 The Committee is hereby given power to adopt and put into effect such rules and regulations not inconsistent with the provisions of this act or the laws of this Commonwealth as may be necessary to carry out the provisions of this act

Section 8 The Committee shall have printed by a printer in the Commonwealth of Pennsylvania a series of tickets numbered from 000,000,000 to 999,999,999 in books or packages of two hundred and twenty (220) each except the last book which shall be of one hundred (100) tickets All tickets shall be for sale at ten cents per ticket which price shall be printed on each ticket together with a notice that the tickets are sold as an old age assistance measure for the purpose of raising money for old age assistance during the present economic crisis

Section 9 It shall be stipulated in the contract for the printin of such tickets that payment therefor shall be made only out of the proceeds from the sale of tickets and shall await the sale of a sufficient number of tickets to meet the same

Section 10 The Committee shall sell at the City of Harrisburg only such books or packages of tickets by personal delivery only to distributors and shall charge and receive cash for each book or package the sum or twenty dollars ($20.00) except for the last book or package of one hundred (100) tickets for which it shall receive the sum of nine dollars ($9.00)

Section 11 The distributors may sell the tickets so purchased by them in the Commonwealth of Pennsylvania only and by personal delivery of the tickets to the purchasers They shall not use the mails or express or messenger service in any wise in connection with the advertising sale of distribution of any such tickets

Section 12 The ownership of all tickets may at any time be transferred by delivery of possession and the holder of any ticket shall be conclusively deemed to be the owner thereof and recognition and payment by the Committee of any prize to the holder of any such ticket shall be final and conclusive

Section 13 All moneys received by the Committee from the sale of books or packages of tickets shall be allocated and applied as follows

(a) Not more than five per centum (5%) thereof may be applied on the payment of the expenses of conducting each drawing

(b) Twenty per centum (20%) thereof shall be paid into the State Treasury from time to time as such moneys become available without waiting until any of the drawings hereinafter provided for have been completed and at the conclusion of the last drawing all unexpended balances of moneys withheld for the payment of the expenses of conducting the drawings shall also be paid into the State Treasury and be disposed of as hereinafter provided

(c) Seventy-five per centum (75%) thereof shall be distributed as prizes to the holders of the winning tickets as determined by the drawings hereinafter provided for

Section 14 (a) In the exercise of the police power for the protection of the public health safety morals and welfare threatened by existing conditions of unemployment and in the assumption by the Commonwealth of its duty to care for the poor old aged all of the moneys paid into the State Treasury under the provisions of this act are hereby specifically appropriated to the Department of Welfare to provide old age assistance Such appropriation shall be paid over to said Department from time to time as the moneys become available in such amounts as the Department shall determine

(b) The amounts expended under the provisions of this section shall be audited by the Auditor General as provided by law

Section 15 No prize awarded hereunder except the last prize shall exceed the sum of five hundred dollars ($500) in amount The moneys set aside for prizes shall be distributed as follows

10/75 thereof in $500 prizes
20/75 thereof in $250 prizes
20/75 thereof in $ 50 prizes
25/75 thereof in $ 25 prizes

any odd money left over after the foregoing distribution shall be awarded as the last prize

Section 16 The Committee shall at Harrisburg pay all prizes not less than twenty days after each drawing and then only upon personal presentation of the winning tickets The possession of each ticket shall be conclusive evidence of ownership for the purpose of payment and no one shall be permitted to dispute that the payment was not properly and lawfully made

Section 17 Not less than fifteen days after the Committee has sold the last book or package of tickets the Committee shall hold a drawing which may be continued from day to day to be conducted in the manner hereinafter provided

Section 18 The Committee shall provide a container of ten balls of equal and like weight on which shall be stamped the numbers 0 1 2 3 4 5 6 7 8 and 9 The container shall be such as will permit shaking and shall have a neck with a mechanical device to release the balls one at a time The balls shall be placed in the container and shall be released one at a time The number appearing on the first ball released shall be the first digit of the first winning number The balls shall then all be replaced in the container and the number appearing on the next ball released shall be the second digit of the first winning number and so on repeatedly until nine balls shall have been drawn The numbers thus appearing on the balls in the order in which they have been released shall be the digits of the winning number of the first prize The next fifty prizes shall be the fifty number nearest to the first prize number numbers greater than being given preference in order to numbers lower than the one drawn This shall be repeated for all the prizes The Committee shall conduct all the drawings in public at Harrisburg Pennsylvania and in the presence of not less than twelve newspaper reporters rep-

lished in the Commonwealth of Pennsylvania who shall desire to be present

Section 19 New sets of tickets may be printed and sold and new drawings had thereon from time to time all in accordance with the provisions and requirements hereinbefore made Provided that no new tickets shall be sold nor new drawing held until at least five days shall have expired since the last drawing and the ascertainment of the winning prizes

Section 20 When the Committee has through successive drawings raised and paid over to the State Treasurer as hereinbefore provided a sum in the aggregate equalling one hundred million dollars ($100,000,000) no further drawings shall be held except the one for which tickets have already been sold Upon the completion of such drawing and the payment of the prizes thereunder all the powers and duties of the Committee hereunder shall cease and the Committee shall cease to exist

Section 21 No old age assistance committee shall be appointed under this act and no lottery shall be conducted under the provisions of this act unless at the municipal election in the year one thousand nine hundred and thirty-five the electors of this Commonwealth shall vote in favor of conducting such lotteries for the purposes of providing funds for old age assistance At said municipal election in the year one thousand nine hundred and thirty-five there shall be submitted to the electors of this Commonwealth the following question

Do you favor the conducting of lotteries in this State for the purpose of providing funds for old age assistance	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of each county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purpose

Section 22 The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns and certify the result of the vote cast on the question to the Secretary of the Commonwealth who shall compute the returns for the entire Commonwealth

If by the returns it appears that the votes cast on such question in the entire Commonwealth shall be in favor of conducting lotteries for the purpose of providing funds for old age assistance then the old age assistance relief committee provided for in sections one two and three of this act shall be constituted as therein provided But if it appears by the returns of said election that the voters of this Commonwealth voting at said election have voted against the conducting of lotteries to provide funds for old age assistance then no such old age assistance relief committee shall be created

Section 23 All drawings or lotteries authorized by this act shall be legal if the electors of the Commonwealth have voted in favor of lotteries as in this act provided any Act of Assembly of this Commonwealth to the contrary notwithstanding No person shall be prosecuted for any violation of any criminal statute of this Commonwealth because of taking part in any of the activities authorized by this act except for embezzlement larceny or other dishonest conduct in handling moneys or tickets or contracts

Section 24 All acts and parts of acts inconsistent herewith are hereby repealed to the extent that they interfere with the operation of this act during the period this act is in force

Section 25 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you is House Bill No. 237, Printer's Number 1514. The bill is an act to provide for unemployment relief in the present emergency to provide funds for old age assistance by suspending the gambling laws of the Commonwealth of Pennsylvania for an indefinite period of time to raise one hundred million dollars

The bill was before the House, it was argued pro and con, and the question was raised whether or not the people of the Commonwealth of Pennsylvania should not themselves vote upon the subject. The bill as amended provides for the people to decide this question. It provides for a referendum at the November election in the year 1935.

Shall this proposition be submitted to the people? The other night we had the question raised as to how much money was needed for old age assistance. It was argued and it was proven by facts that the Commonwealth, in order to take care of the old and the infirm over seventy years of age, must have at least forty million dollars, and I submit to you that a fair method of raising the money to take care of the aged and the infirm is a state lottery. It will hurt no one, it will benefit everybody, it will stimulate trade, it will stimulate circulation of money, it will not interfere with the morals of any person, and it will not take money from the Commonwealth. I submit to you that the present schemes of chances and lotteries that are practiced in the Commonwealth are serious to this Commonwealth, because they take the money out of the Commonwealth and do not leave it here. I think I called your attention to the sweepstakes of Ireland that takes some fifty million dollars from the United States and returns to America less than two hundred fifty thousand dollars. Shall the policy continue of taking our money out of the state and giving us none back or shall we so regulate this gambling instinct that the Commonwealth of Pennsylvania shall be the one to take the profit and not the detriment.

I ask you members of the House to give the people of Pennsylvania the right to decide this question for themselves.

Mr. PFAFF. Mr. Speaker and members of the House, I rise to support this bill in the interests of the most deserving class of people in this Commonwealth, the helpless, old and aged, many of whom are on the list today and will qualify to in this biennium. In my experience in rendering service to my constituents I have derived the greatest satisfaction from assisting the old and aged in my district in qualifying and finding out the status of their applications for old age assistance. In this work I have been ably assisted by the Philadelphia Old Age Assistance Fund. I take this opportunity to praise their efficiency, their consideration and fairness. In all my contacts and my inquiries about old age applications, they have extended me every courtesy and promptness in placing at my disposal the exact statlus of these applicants, but one thing the officials in this particular department have always brought home to me is the inevitable need for more funds for this biennium, so that they can take care of the many who are now on the application lists and who will qualify for this assistance during this biennium.

Last week with a heavy heart and great reluctance I voted against the Hoopes amendment to increase the appropriation for the old age assistance fund. I did it because I believe this Legislature could never agree on further tax levies on the already tax burdened people for this worthy cause. I know that there will be certain members of this House who will oppose the principle of state conducted lotteries. I respect their opinion. I know that there are many good people in this Commonwealth who are opposed to this principle. I respect their opinion too. I know there will be many clergymen throughout this Commonwealth who will oppose this principle. I highly respect their opinion, because I believe their profession is the most important profession on this earth, but in my opinion the noble purpose behind this bill, the critical need for funds to pay the old and aged justifies the members of this House to vote for and to support this extreme or revolutionary legislation to meet the critical needs of the times.

In conclusion, members of the House, I appeal to you in the name of charity, the greatest human virtue, to support this bill and to give the people of this Commonwealth the opportunity to decide for themselves.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I am going to occupy a minute of the time of this House. I simply want to state to the members of this House that although the benefits to be derived from a lottery are to be used to help the aged and the blind and other welfare work, is very commendable, all I can say is that we can easily and we have already arranged, provided that tax measures are passed, to raise sufficient funds for those interests. This is only a smoke screen provided to feature the passage of a measure which would be detrimental to the public interests. We do not want to raise the future genration in the belif that they can get something for nothing. W don't want to make gamblers of them. I ask you to vote against this bill.

Mr. HOLLAND. Mr. Speaker and members of the House, I rise to defend this bill. Why should we continue to be hypocrites? They are writing numbers in every city in Pennsylvania, and why shouldn't that money come to the state? I represent a district that writes one hundred thousand dollars of numbers a day, and I tell you, ladies and gentlemen of the House, that it is about time that the people of Pennsylvania throw away these Blue Laws and let that money come to the state. Instead of the racketeers making the money, let the state make the money.

I rise in support of this bill and I ask the members to vote "aye" for it. Let us quit being hypocrites in Pennsylvania.

Mr. STEWART. Mr. Speaker and members of the House, I rise to oppose this bill. Last week this bill was defeated and should not appear on our calendar again. An amendment has been made with the hope of getting enough votes to pass the bill. It is a step in the wrong direction. It is falling in line with Mexico, South America and Spain.

For the past six years we have been slipping. Those of you who have driven an automobile down an icy hill know the danger when the brakes do not hold. Here we are going down an icy hill attempting to remove the brakes and putting this Commonwealth into the lottery business.

Members of the House, we represent thousand of men and women of this Keystone state; and also thousands of boys and girls who have placed their confidence in us. Will we dare to betray that sacred trust?

Much of my life has been spent in training boys and girls, young men and young women. Do you think that I should advise them to go into the lottery business; should ask them to stand on the corner of Philadelphia and Seventh streets of Indiana, Pennsylvania where large crowds go by, especially on Saturday night, to sell their tickets to the farmer, the miner, and other laborers who need the money they have to keep their families.

Shall we destroy the morals of the rising generation to feed those of the closing generation, who will absolutely oppose such a law. They do not want us to send boys and girls into evil paths to help them. Let us provide for them in an honorable way. Let us keep the brakes on and thus honor those who led us in the right paths. Call to mind how you were trained by your father and mother. We all want our children to be so trained that they will honor us and uphold the government which has given us protection.

In that form of gambling which we call a lottery, many lost that one may win. It cannot possibly be otherwise. And the one who wins has done nothing whatever to deserve to win. Many far worthier and needier lose that he he may prosper. More than that, he revels in it and boasts about it; failing to see that he has already lost moral stamina and manhood. He may protest "Well, they went into it with their eyes open. They know they had a chance of losing just as I did." True, but one of the purposes of good government is to protect citizens against their own folly. The government has laws to protect foolish people against swindlers who promise a chance of great winnings for a comparatively small stake. Shall a government then sanction and make legal another wrong, which is one in principle with swindling, just because people are foolish enough to risk their money. Government ought to mean protection of the people.

The man who wins in a lottery business is usually the man who loses most. Winning once, he is almost ruined as an honest worker from that day on. The gambling habit is far more insidious and lasting than the drinking habit. The man who, at the loss of his brothers, wins money to which he has no real right is like the savage cannibal with his first taste of blood—he is never content to live in any other way. Who can tell of the wives and children who are without the ordinary comforts of life because the husband and father uses what should provide them with food and clothes to gratify his developed instincts of gambling, wanting to live at the cost of others—pauperism of the most vicious character.

Through a financial depression caused through this very instinct followed on a large scale through war and profiteering, many families in America have had to be supported by a public dole. From every part of our land comes the same story—that men are becoming pauperized in attitude of mind and are losing self-respect so completely that they are perfectly content to live off the public as completely as if they were on a poor farm. Our nation needs as much as anything else the renewal of the self-respect and self-reliance that earns its own way by honest work or honest trade, and any movement like a lottery which leads people in the more humble walks of life to indulge in the same spirit of profiteering and blood-sucking that has brought us to our present situation be-

cause practiced by a few—any movement like that, instead of being sanctioned and protected by the government of our state should rather be stamped out as most vicious and demoralizing.

It is Kipling in his Recessional who says:

"Lord God of Hosts be with us yet,
Lest we forget, lest we forget."

Mr. SURFACE. Mr. Speaker and members of the House, the one who drew this bill certainly showed good pugilistic tactics, because with his right hand he brings forth the phrase, to provide for unemployment relief in the present emergency. With his left hand he says, providing funds for the old age assistance, and with both feet he lands in the ring and says, for legalizing lotteries. Who ever saw such a smoke screen? He finds it necessary to back himself with two good propositions in order to bring out his third.

This bill is not for providing funds for unemployment relief. This bill is not for providing funds for old age assistance. This bill is to legalize lotteries, something which is illegal as shown by the fact that on page five, it says, "the distributors shall not use the mails or the express or messenger service in any wise in connection with the advertising, sale and distribution of such tickets" because it is illegal to use the mails for any such purpose as is provided here. It says here in the preamble, "All the usual means of raising money for this purpose have been utilized." I say, Mr. Speaker, that is in error. I have at the present time in the Committee on Counties, a bill, House Bill No. 244, providing for a reduction, a great reduction in the salaries of high salaried office holders. Two years ago that was said to be the best bill for salary reduction and for raising a fund that could be brought out. Now, however, the shoe is on the other foot and the subject is seen in a different light. This bill would bring to us at least nine million dollars per annum and at the same time do something well worth while.

I have also in the Committee on Ways and Means a bill providing for a flat income tax. I know, not by guesswork, but by the careful statement of the Secretary of the Interior that this bill would bring in one million dollars a month. We have spent nearly six months here, six million dollars would have accrued to the State of Pennsylvania had we been utilizing the flat income tax at this time, but we have no income tax.

I am greatly in favor of the proposition for a graded income tax. It is along the line of the proposition of the Tax Justice league, of which I am a member, but while we are waiting for the constitutionality of a graded income tax to be pronounced, while we are waiting to rewrite or amplify our own Constitution so that a graded income tax will be possible, why can't we pass the flat income tax and get the income it will bring to us. I say that there are other means that I could call to your attention for procuring funds.

A gentleman came to me this afternoon and said, "Dr. Surface, I wonder if it is possible that you and I belong to the old fashioned school that believe that I am my brother's keeper?" I said, "I do. If I didn't belive I am my brother's keeper I wouldn't be here representing him and trying to do for him those things that I think should be done at the present time." He said, "Thank God, that's my view exactly." So, there are some of us who do believe that they are their brother's keepers and it is our duty here in this Legislature, if anywhere, to do those things which are for the benefit of our fellow men. I feel, Mr. Speaker, that this lottery proposition is not one of the things that will benefit the people of the Keystone state.

I was speaking with a good, plain farmer, the kind with whom I delight to talk, because they have original ideas, I can learn something from them. I have already learned much, I feel, that is in the books, and I want to go to the other sources and learn things that are not in the books. This farmer says, "If this thing continues in our Legislative halls, what will become of our churches. We have our money invested in them, and according to the plan of the lottery, the first thing is to get them insured and then burn them down, because we will not have any use for them afterwards."

A father came to me a few years ago and said to me with tears in his eyes, "Professor, I wish you would talk to my son." I said, "What's the trouble?" He said, "He has taken to gambling and what little money he earns, he gambles away." Now, this lottery business is known to be a gamble, as was stated in the speech made by the sponsor here last week. We know that. We are trying hard to teach our youth that they should be willing to earn their bread by the sweat of their brow. This is distinctly criminal; it is wrong to attempt to get something for nothing or to get much for little. Back of the thing is the evil proposition of attempting to get something for nothing, which will corrupt the people of our state in a manner that will prove disastrous. A study of the economics of the lottery shows that it is fundamentally all wrong.

What else does this bill provide? Twenty-five per cent of the intake shall go back to the state and seventy-five per cent shall go to the bookmakers. That is helping the old and the poor and the aged with a vengeance, isn't it? I feel that if we were to consult with our own consciences and do that which is right, we would say "Lead us not into temptation." Lead none of the youth of our country into temptation, do not make it possible for any lad to be lead into temptation such as this.

Mr. SIMPSON. Mr. Speaker and members of the House, I have been listening intently to the debate on the floor of the House, and I thought perhaps I would hear some good reason that would cause me to change my vote as given last week. Thus far I have heard no argument that leads me to believe that this bill is any better today than it was last week. The only change in the bill that I can see is the provision that says our people back home shall vote and say whether or not they want a lottery conducted.

I submit that when this body goes on record one week as saying a certain bill on its merits is miserable and rotten, it is a very improper thing for us to say to the people back home, "Here's a bill which we know is rotten, yet we want you to back us up and say we are wrong."

I sak you all in the interests of your children and my children to keep gambling out of our state as a licensed racket.

Mr. ALEXANDER. Mr. Speaker and members of the House, as a man new in legislation, I am inclined to think that this House at times is very inconsistent in its voting.

I wonder sometimes as these young people are gathered here listening to us and watching us legislate for Pennsylvania, what their impression of us is as a legislative body. We have had schools here and the galleries most of the time have been filled with young people.

If we are agreed, as the gentleman from Huntingdon has

said, by a prior vote, that this bill is bad, what is there in this bill now that should induce us to again reconsider it and place it before the voters of the state? Doesn't this Legislature and its members who are gathered here in these halls have the nerve to say whether these measures are good or whether they are bad? Are we losing that tradition, which is always before us, that we are the lawmakers of this state and not the people by a referendum? It seems to me that during the last few weeks all we have been doing has been placing bills before the people and asking them to decide upon them. Is that the purpose for which they sent us to Harrisburg? Absolutely not. They had confidence that we knew what they wanted, and if we are continually placing the responsibility on their shoulders, then we are not doing our job. I think it is high time that this Assembly awakens to the fact that we are the lawmakers, not the people back home, and I am hoping that there are enough men here who voted "no" on this bill last week who will again have nerve enough to vote "no" now. This change in the bill makes it no worse and no better, in my opinion, and I am asking you to vote "no" as you did last week.

Mr. PFAFF. Mr. Speaker and members of the House the opposition has not offered one practical plan or one real solution of merit as to how we will raise this much needed money to meet the requirements of the old age pension act. The act is on our statute books, and if we don't have enough money to meet the requirements of the aged who qualify under the act, I then maintain that the old age assistance act before the end of this biennium will be a hollow mockery.

If there were some plan suggested in this House as to how we could get this much needed money, I would be glad to go along with the plan or with some other plan, but under the circumstances the bill before you now, in my humble opinion, is the only solution and I ask you to vote "aye" on this bill.

Mr. SOWERS. Mr. Speaker and members of the House, I will briefly reply to the opponents of this measure. I wonder why my friends should compare this bill and its operation with Mexico and then in the next breath argue morality? I know of no more moral countries than Sweden and Ireland. Has anybody said that Ireland has lost its morality because of its sweepstakes lottery?

Members of the House, my friend has argued that taking a chance is terrible and he has argued about our schools, but I know you know that our children are sent to various schools in this Commonwealth and elsewhere to study economics and for what purpose? To better serve those that play on the stock exchanges. When our good President sent for experts to curb the stock exchange in New York, he sent for the students of the various colleges on finance, and he found them in the employ of the bankers, to better advise how they might take a chance.

Now, members of the House, where does chance in business begin and where does it end? Is my friend so sure in idea of business to believe that men take no chances in buying real estate for a raise? If it is wrong to buy a ticket to help feed an old man, how much more then is it wrong to buy a house to raise the rent on the tenant and make him pay a higher price.

Now, members of the House, this bill does not legalize lotteries. It does not break down the gambling laws of this Commonwealth. It repeals no criminal law on our statute books. It is merely a dispensation to feed the old, while they are still here, that may enjoy life with pleasure and not with agony.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. SIMPSON. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—95

Andrews,	Cordier,	Kelder,	Root,
Aukerman,	Davies,	Kilroy,	Ruth,
Baine,	Denning,	Kobelak,	Sarraf,
Baker, J. J.,	Dent,	LaRue,	Scanlon,
Baldi,	Downey, G. E.,	Linderman,	Schrope,
Barber,	Downey, J. J.,	Long,	Schwartz,
Barnhardt,	Falkenstein,	Lovett,	Shugarts,
Bernhard,	Ferko,	Mallen,	Sowers,
Blumberg,	Finnerty,	McDermott,	Stank,
Boyd, R.,	Fitch,	McElroy,	Tahl,
Bradley,	Flanagan,	Melchiorre,	Tronzo,
Brancato,	Gerard,	Mentzer,	Tumelty,
Brown, H. S.,	Green,	Mooney,	VanSickle,
Burke,	Greenstein,	Moore,	Walker,
Cannon,	Hagerty,	Moran,	Wasserman,
Carr,	Haluska,	Ominsky,	Welliver,
Castor,	Hamilton, R. S.,	O'Neill,	Welsh,
Chervenak,	Hart,	Perry,	Westrick,
Coakley,	Hefferon,	Pfaff,	Winner,
Cochran,	Hirsch,	Piole,	Witkin,
Coleman,	Holland,	Powers,	Yourishin,
Condon,	Holstrom,	Reynolds,	Zappala,
Conner,	Hoopes,	Rinn,	Sarig,
Coolahan,	Jackson,	Roan,	

NAYS—98

Achterman,	Hamilton, F. P.,	Nagel,	Smith, W. G.,
Alexander,	Harkins,	Nothnagle,	Snyder, F. E.,
Allen,	Harmuth,	O'Keefe,	Snyder, J. L.,
Altenburg,	Hartman,	Panton,	Spangler,
Arnold,	Hermansen,	Patterson, C.,	Sproul,
Atkins,	Hetrick,	Patterson, J. W.,	Stevens,
Boose,	Hindman,	Pearson,	Stewart,
Boyer,	Hoffner,	Peters,	Stockham,
Brennan,	Horst,	Phillips,	Stone,
Brown, J. E.,	Jones,	Reising,	Stott,
Brownfield,	Kane,	Rhys,	Sumney,
Brumbaugh,	Kelso,	Robinson,	Surface,
Carson,	Kinney,	Ruffennach,	Terry,
Cohen,	Klinger,	Schrock,	Trout,
Decker,	Longaker,	Schwab,	Turner,
Dilley,	Male,	Shaw,	VanAllsburg,
Eberharter,	McCreary,	Shepard,	Wall,
Eroe,	McDevitt,	Shortz,	Weidemann,
Flinchbaugh,	McHenry,	Shreiner,	White,
Flynn,	McKinney,	Siegel,	Wickersham,
Furman,	Merrell,	Simpson,	Wood,
Gates,	Moomaw,	Sinwell,	Woodside,
Gillette,	Moul,	Sloan,	Yeakel,
Habbyshaw,	Muir,	Smith, J. A.,	Zimmerman,
Haberlen,	Murrin,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

REASONS FOR VOTE

Miss BRANCATO. Mr. Speaker, I desire to file the following reason for my vote.

Because the moneys raised by legalized lotteries will be used for old age pensions which are sadly needed in Pennsylvania and because no other apparent practical method has been presented to the House to raise the necessary money, I voted "aye" on this measure.

Mr. CARSON. Mr. Speaker, I desire to file the following reason for my vote.

I favor old age assistance but I do not favor putting Pennsylvania in the lottery business.

SPECIAL ORDER ON HOUSE BILL NO. 1342

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour, House Bill No. 1342, Printer's No. 999.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1342, as follows:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent providing the nature of public liability policy which may be used as such proof providing for the regulation of the risk classifications underwriting rules premiums rates and schedule or merit rating plans of insurance companies issuing such policies providing penalties and repealing all inconsistent acts and parts of acts

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title

This act shall be known and may be cited as "The Compulsory Motor Vehicle Financial Responsibility Act"

Section 2 Definitions

Except as otherwise expressly indicated the following words wherever used in this act shall be taken and construed to have the following meanings

(a) "Motor vehicle" means every device defined as a motor vehicle or as a trailer by The Vehicle Code and by any amendment or supplement thereto

(b) "Ways of the Commonwealth" means all highways generally open to the public and all private ways while open to the public

(c) "Owner" means an individual or individuals a partnership a corporation or an association owning a motor vehicle

(d) "Action" means an action for personal injuries or death arising out of the ownership operation or use of a motor vehicle on the ways of the Commonwealth

(e) "Person" includes a partnership a corporation or an association

(f) The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 No Registration Unless Certificate of Financial Responsibility

No motor vehicle unless owned by the Commonwealth or by a political sub-division thereof shall be registered as required by The Vehicle Code or by any amendment or supplement thereto unless the application for registration is accompanied by a certificate of financial responsibility as hereinafter defined

Section 4 Certificate of Financial Responsibility

A certificate of financial responsibility shall be in a form approved by the Secretary of Revenue and shall consist of (a) the certificate of an insurance company authorized by the Commonwealth to issue liability policies as hereinafter defined stating that it has issued to the owner of the motor vehicle sought to be registered a liability policy or a binder covering that motor vehicle and running at least as long as the registration applied for or (b) the certificate of the Secretary of Revenue that such owner has deposited with him cash or securities as hereinafter provided in section nine or (c) the certificate of the Secretary of Labor and Industry that such owner is wholly exempt from insuring his liability under the workmen's compensation laws

Section 5 Definition of Liability Policy

A liability policy as used in this act means a policy of insurance against loss by reason of the liability to pay damages to others for bodily injuries including death at any time resulting therefrom or consequential damages consisting of expenses for medical nursing hospital or surgical services incurred in connection with or on account of such bodily injuries or death by any person properly chargeable with or actually furnishing support to the injured person at the time of the injury arising out of the ownership operation or use of any motor vehicle on the ways of the Commonwealth It shall provide indemnity for and protection to the insured and to any person responsible for the operation of the insured's motor vehicle with his express or implied consent against the hazards described above It shall provide indemnity to the amount or limit of at least one thousand dollars on account of injury to or death of any one person and subject to such limit as respects injury to or death of any one person of at least two thousand dollars on account of any one accident resulting in injury to or death of more than one person the policy shall not be required to provide indemnity on account of injury to or death of any person employed by the insured or by any other person responsible as above stated if payments or benefits under any workmen's compensation law shall be payable on account of such injury or death

Section 6 Contents of Liability Policy

Every liability policy shall contain substantially the following provisions but may contain additional provisions giving greater protection to the insured or to the injured or to both

(a) Liability of Insurer Fixed When Damage Done liability of the insurer shall become fixed whenever the loss or damage for which the insured is responsible occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the company to make payment on account of said loss or damage No such liability policy shall be cancelled or annulled by any agreement between the company and the insured after the insured has become responsible for such loss or damage and any such cancellation or annulment shall be void

(b) Direct Recovery Upon the recovery of a final judgment for any loss or damage which was indemnified against by a liability policy at the time of the accrual of the cause of action the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of such judgment

(c) Acts of Insured Not to Void Policy No statement made by the insured or on his behalf either in securing the policy or in securing registration of the motor vehicle covered thereby no violation of the terms of the policy and no act or default of the insured either before or after the issuing of the policy shall defeat or void the policy so as to bar recovery by a judgment creditor within the limits provided in the policy However the company shall not be liable on a judgment for loss or damage covered by the policy if the company has not had prompt notice and an opportunity to appear and to defend the action against the insured or if the judgment has been obtained because the insured has refused to cooperate with the company in defending the action

(d) Policy Covers Legal Representatives of Insured If the death insolvency or bankruptcy of the insured shall occur within the policy period the policy during the unexpired portion of such period shall cover the legal representatives of the insured

(e) Cancellation Either the company or the insured may cancel the policy by giving to the other written notice fifteen days before the intended effective date of cancellation If the insured shall cancel the policy and if he has paid the premium on the policy to the company or to its agent who issued the policy or to the duly licensed insurance broker if any by whom the policy was negotiated he shall be entitled to receive a return premium after deducting the customary monthly short rates for the time the policy shall have been in force If the company shall cancel the policy the insured shall if he has paid the premium as aforesaid be entitled to receive a return premium calculated on a pro rata basis After receiving a notice of cancellation by the company the insured may terminate the policy immediately by filing a new certificate of financial responsibility in which event the return premium shall be calculated as of the date of such filing

(f) Return Premium if Company Ceases Business If the company shall cease for any reason to be authorized to transact business in the Commonwealth the insured

shall if he has paid the premium as aforesaid be entitled to a return premium calculated on a pro rata basis as of the date of such cessation

(g) Policy Application and Rider Form Entire Contract The policy the written application therefor if any and any rider or endorsement which shall not conflict with the provisions of law shall constitute the entire contract between the parties

Section 7 Rights and Liabilities Under Binders

If an insurance company shall issue a binder pending the issuing of a formal liability policy the provisions of the preceding section shall apply to such a binder except that paragraphs (a) to (g) inclusive need not be expressly stated therein but may be incorporated by reference in a manner approved by the Secretary of Revenue

Section 8 Authorized Companies

The Insurance Commissioner shall on or before September first one thousand nine hundred thirty-six and from time to time thereafter notify the Secretary of Revenue of the names of all companies as they become or cease to be authorized to issue liability policies

Section 9 Deposits of Cash or Securities

(a) In lieu of obtaining a liability policy an applicant for registration may deposit with the Secretary of Revenue for each motor vehicle sought to be registered cash or direct obligations of the United States or both of the aggregate face value of twenty-five hundred dollars

(b) The Secretary of Revenue shall require a similar additional deposit for each accident in respect to which an action is brought against the depositor or against any person operating or using his motor vehicles with his express or implied consent

(c) The Secretary of Revenue shall place any cash so deposited with him in a special deposit account with a bank or a trust company in which he shall be authorized by law to deposit official funds The depositor of securities shall be entitled to the income from such securities until they shall be returned to him or attached to satisfy a judgment as hereinafter provided

(d) The deposit shall be returned to the depositor when he shall file for the same motor vehicle a certificate of an insurance company or of the Secretary of Labor and Industry as above provided or on the expiration of the registration of the motor vehicle with respect to which the deposit was made if the Secretary of Revenue shall know of no pending action which could give rise to an attachment as hereinafter provided and the time has expired within which any such action can be brought

(e) If an action shall be brought which could give rise to an attachment as hereinafter provided the depositor shall within ten days of receiving notice thereof give written notice thereof by registered mail to the Secretary of Revenue If he shall fail to give such notice the depositor shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars or more than one thousand dollars

Section 10 Attachment Sur Judgment

If the plaintiff procures judgment in an action he may compel the insurance money or the cash or securities or both deposited with the Secretary of Revenue as herein provided to be applied to the satisfaction of his judgment by causing a writ of attachment sur judgment to be issued If an insurance company is the garnishee in such attachment it shall not deduct from or credit to the amount of the judgment any sum owed it by the insured

If the purpose of the attachment is to realize on cash or securities deposited with the Secretary of Revenue a writ of attachment sur judgment may be issued by the court in which the judgment has been obtained naming the Secretary of Revenue and the depositor of such cash or securities as garnishees The sheriff of the county in which judgment has been obtained shall deputize the sheriff of Dauphin County to serve the writ on the Secretary of Revenue and the sheriff of the county in which the depositor may be found to serve the writ on the depositor If the sheriff cannot find the depositor in the Commonwealth before the return day of the writ he shall serve the writ on the Secretary of Revenue whom the depositor shall be conclusively presumed to have appointed as his agent to accept such service and the Secretary of Revenue shall promptly send to the depositor notice of such attachment by registered mail addressed to the depositor's last known address as it appears in his records The court which issues the writ of attachment shall have jurisdiction of the fund sought to be attached and shall give judgment in the attachment proceedings

Section 11 Furnishing Names of Insurers The Secretary of Revenue shall on request furnish to the plaintiff in any such action the name and the Pennsylvania address of the company which has insured the defendant

Section 12 Regulation of Rates The classifications of risks underwriting rules premium rates and schedule or merit ratings plans for the insurance of motor vehicle owners under this act all of which matters are in this section hereinafter referred to as rates shall be established by one or more rating bureaus as the Insurance Commissioner shall determine situate within the Commonwealth of Pennsylvania conducted by the insurance companies and subject to examination by the Insurance Commissioner However the Insurance Commissioner may in his discretion permit to be filed with him in lieu of the schedule described below any schedule established by a rating bureau of national scope even though such bureau is not situate within the Commonwealth of Pennsylvania

On or before April first of each year beginning with the year one thousand nine hundred and thirty-six each rating bureau shall file with the Insurance Commissioner a schedule of rates for the ensuing calendar year This schedule shall be effective for the ensuing calendar year and thereafter until new rates are established as provided by this act unless the Insurance Commissioner shall on or before May first file in his office written objections to the schedule and shall promtply notify the rating bureau of such objections It shall be the duty of the Insurance Commissioner to filed such objections if he shall decide that any risk classification underwriting rule premium rate or schedule or merit rating plan is unreasonable inadequate or unjustly discriminatory among risks of essentially the same hazard

If the Insurance Commissioner shall file objections as above provided he shall on or before May first appeal to the Court of Common Pleas of Dauphin County asking for a review of the schedule filed by the rating bureau and for a consideration of his objections thereto The court shall hear and determine this appeal as promptly as possible and shall in its decree fix reasonable adequate and non-discriminatory rates for the ensuing calendar year

If any year the Insurance Commissioner shall find that there is any item of rates or any insurance company with respect to which no such schedule has been filed on or before April first he shall on or before May first establish reasonable adequate and non-discriminatory rates for the ensuing calendar year with respect to such item or such insurance company From such action of the Insurance Commissioner any rating bureau may within ten days appear to the Court of Common Pleas of Dauphin County which shall hear and determine the petition as promptly as possible and shall in its decree establish reasonable adequate and non-discriminatory rates for the ensuing calendar year

In any appeal taken to the Court of Common Pleas of Dauphin County in pursuance of the provisions of this section the appellant shall file a petition stating in detail the matters objected to and after the other party has filed an answer the cause shall be heard by the court without a jury in accordance with such rules of procedure as the court shall adopt

From any decree of the Court of Common Pleas of Dauphin County entered in pursuance of the provisions of this section the Insurance Commissioner or any rating bureau may appeal to the Superior Court but no other party may so appeal Such an appeal shall be entertained by the Superior Court in the same manner as an appeal from the Public Service Commission and the Superior Court shall thereupon establish reasonable adequate and non-discriminatory rates for the ensuing calendar year

Pending an appeal to the Court of Common Pleas of Dauphin County or to the Superior Court the rates effective when the appeal is taken shall continue to be effective until new rates shall be established as provided by this

act except as the court before whom the appeal is pending shall otherwise direct

Neither the Insurance Commissioner nor the court shall be required to establish a schedule or merit rating plan with respect to any class of risk or any insurance company for which such a plan is not included in a schedule filed by a rating bureau

Section 13 Cancellation of Liability Policy

If the insurer or the insured shall notify the other of an intention to cancel any liability policy the insurer shall immediately give written notice of such intended cancellation to the Department of Revenue and the Department of Revenue shall revoke the registration of the insured motor vehicle as soon as the cancellation becomes effective If any insurer shall knowingly fail to give such written notice the Insurance Commissioner may deprive such insurer of its right to do business in the Commonwealth

Section 14 Rules and Regulations

The Governor shall have power to make reasonable rules and regulations to carry this act into effect and may from time to time delegate any of such power to the Secretary of Revenue or to the Insurance Commissioner

Section 15 Constitutionality

It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 16 Repealer

The act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" is hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 17 Effective Date of Act

This act shall become effective on the first day of January one thousand nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Mr. BURKE. Mr. Speaker and members of the House, we sort of started on this bill last week and I guess we will finish it tonight. This is the compulsory insurance bill, which provides that before anyone can get a license plate for his car, he show evidence that he carries an insurance policy for at least from one to two thousand dollars, one thousand dollars for one person and two thousand dollars for more than one person injured in an accident.

Now, members of the House, I am particularly incensed on this compulsory insurance proposition tonight, much more so than I was one week ago, because just yesterday I was reminded of the mental attitude of thousands of Pennsylvanians who are financial irresponsible, when I was driving my car in Philadelphia and suddenly heard the clanging of bumpers and fenders. I pulled off to the side of the road and a young chap about twenty years of age, was driving a roadster with two young ladies in the front seat, and a second young chap in the rumble seat. The bumper was tied up with a rope. And very unfortunately, I guess, by colliding with my car, he broke the rope and he pulled off to the side of the road following me. After the usual exchange of pleasantries I looked at his driver's license and said, "I suppose you are not insured," and he replied very sheepishly he was not. One of the sweet young things in the front seat, about 18 years of age, said to me, "Oh, you cannot get anything."

Members of the House, I cited that little instance just to bring home to you, as it has been brought home to me before, the indifferent attitude of a lot of people who drive so called rattletraps.

The question of benefits from automobile accidents is becoming rather alarming. Since 1913 the fatalities from automobile accidents have increased 500 per cent, while accidents from other causes have declined 30 per cent. In 1934 in Pennsylvania, 2075 persons were killed by automobiles, and 51,000 were injured.

Now, in urging the passage of this bill, I rest my claim on the premise that when the State gives a license to a person to operate a motor vehicle, that is, when they license a car, they are putting in the hands of the owner or the operator of that car a dangerous instrumentality, and I do not believe the license should be given until it has been shown that the person is financially able to pay for the damage that he could inflict with his car. Now, I have heard a lot of comment on this bill around the House. I think that all of the objections that have been raised to my bill are really objections to the Massachusetts law. So, let us move the House up to Massachusetts.

Let us look at their law, let us compare that with my bill. I think a lot of the members who have criticized my bill have not even read it. In the first place, the compulsory insurance law of Massachusetts made a very inauspicious start when the bill permitted the insurance commissioner to fix the rates. During the first year of the operation of the law the Insurance Commissioner,—I want you to get this,—cut the rates 22 per cent, over the objections of the rating bureaus. Naturally, while insurance rates in other states were rising it was very unwise for Massachusetts to cut their insurance rates 22 per cent. How could you expect a real favorable reaction from such an unintelligent approach to a serious problem? But, by some peculiar process of reasoning there has been an objection raised that compulsory insurance increases accidents. I will concede this, that the compulsory insurance increases the number of reported accidents, but I will not concede that it increases accidents because I can't imagine an automobile operator who, when he is not insured, comes to a crossing blows his horn and puts his foot on the brakes, but as soon as he gets an insurance policy, he rides past the intersection, with his foot on the gas. There is nothing further from common sense.

Let us take a look at the accident rate in Massachusetts. In 1927, the first year that the Massachusetts law was in effect there were 682 people killed. In 1930, their fatalities had increased 16 per cent.

Let us compare that with Connecticut which had at that time a financial responsibility law. Connecticut in 1927 has 337 fatalities. In 1930 they had an increase in fatalities of 17 per cent.

Now, let us look at Pennsylvania. In 1927 they had 1,860 fatalities. And in 1930 their fatalities had increased 32 per cent, against an increase in Massachusetts of 16 per cent.

Now, if you are going to use the fatality rate as evidence of the bad effects of compulsory insurance, then you must use those same statistics against the compulsory law

of Connecticut and the lack of either law in Pennsylvania. There has been a great deal of discussion about increase in rates. I have figures here which I got from a report submitted to the Columbia School of Social Science. A National survey was made concerning the benefits received in automobile accidents. The figures which I have are not colored with bias. If they were, they would favor the insurance companies, because they were supplied by the National Association of Casualty and Surety Underwriters, who do not favor compulsory insurance. So I will use their figures, without the elaborate adjectives fraud and collusion. We shall see what happened to the insurance rates in Massachusetts. I am going to compare the rates in Massachusetts with the rates in nine other states that are comparable to Massachusetts, industrially and economically.

For 1927, we will use the index number 100 to represent the average incurred loss, for the incurred loss is directly proportional to the insurance rate. In 1928, the figure for Massachusetts went up to 111. In 1929 it was 110; in 1930 to 122. Nine comparable states during those four years were as follows: 100, 102, 111, and 119. In other words in spite of all of the excoxiation of the Massachusetts law, their 1930 rates were represented by the number 122, while nine comparable states were 119, and the country at large 121.

I want you to compare for the year 1929 the average amount of benefits paid to dependent relatives under the Massachusetts Workmen's Compensation Act and the Massachusetts Compulsory Insurance Law. Under the Workmen's Compensation Law, there was an average of three thousand seven hundred ninety-nine dollars paid, while under the compulsory insurance law, which is supposed to induce fraud and collusion, they paid only two thousand and eighty-eight dollars.

There has also been raised the objection that compulsory insurance will drive the registration list down. In Massachusetts during the first year of the law, they lost one per cent of the registration, and since that time they have increased, at a greater rate than Pennsylvania.

Members of the House, if you are disposed to pass on the merits of this bill by weighing the cost of the insurance, I submit those figures to you, and say that compulsory insurance in Massachusetts did not increase rates The incurred losses of the insurance companies prove it.

There is another angle to this bill. I am not submitting the bill because it will not increase insurance rates, and I do not believe it will, but I say that this bill has merits even if it would increase insurance rates, because I think this House is pledged, both Republican and Democratic members, to the advancement of social legislation.

I speak, members of the House, for the nine hundred and eighty Pennsylvanians, who in nineteen thirty-four were killed by automobiles, and they did not receive one cent in compensation. I speak for the Pennsylvanians who were killed in nineteen thirty-four, only seven per cent of whom received enough to pay their funeral expenses.

Now, I wish to draw an analogy between this bill and the Workmen's Compensation Act. Twenty years ago, the legislature of Pennsylvania was sufficiently socially minded to pass a Workmen's Compensation Act. You know that under the Workmen's Compensation Act, the employer is required to insure his employes against injuries, and the employer is liable to pay benefits, even in cases,—I want you to get this;—where the accident is caused by the negligence of the employe.

I submit this bill to you as a social proposition, which requires payment of benefits only in the case where the driver of the automobile is at fault. I speak on behalf of the people who are unorganized, on behalf of your constituents who are dependent relatives of who have the victims of auto accidents and other constituents who are going to be killed and injured in nineteen thirty-five, nineteen thirty-six and every other year. Are you going to turn your backs on them simply because you think that the bill might cost the few more dollars represented by the cost of insurance? If we are ever conscious of the rights of these poor victims, who carry no influence, you cannot vote "no" on this bill.

Mr. REISING. Mr. Speaker and members of the House, I listened quite attentively to the remarks of the gentleman who just preceded me, and of course, he has a good, strong argument from the point of view of the fellow who is financially able to meet this obligation, but when you take into consideration the fact that many thousands and even millions of our people who are working one, two and three days a week, have been forced away from their work by reason of high rents and other living costs in the city and their inability to get by on their incomes, go to the country districts, where hey have been compelled and are now being compelled to depend on an automobile for transportation, which they can buy at a reasonable figure; and due to the further fact that transportation facilities have increased in price, railroad cars and street cars have been taken out and buses have been substituted with the increased cost of transportation, and if you are going to compel at this time everyone owning an automobile to take out two thousand dollars worth of insurance, you are just going to add more people to the relief rolls, due to the fact that they will not be able to hold their jobs, and make a living and get by as they are at this time. I feel we should give some consideration to the applicability of this proposition, and while it is a meritorious thing, yet at this time I think we are not justified in imposing this hardship upon the people.

With respect to what the gentleman said with regard to the insurance rates in Massachusetts being reduced, because of the increased number of policies on account of this law, he does not say by any stretch of the imagination that we are going to have a reduction in rates in Pennsylvania, because they are not in the habit of reducing rates in Pennsylvania; they are more in the habit of increasing them.

So, I would ask you to look at the side of the fellow who just simply cannot afford to meet this obligation, and they are the greatest number in this state.

I want to say in conclusion, that it is not so much the insurance policy that causes accidents but it is that loose nut behind the wheel.

Mr. TUMELTY. Mr. Speaker and members of the House, under House Bill Number 1342 it will be absolutely necessary for each person who applies for license plates to furnish an insurance policy showing that he is financially responsible in case of an accident. I don't know how many of you have had the experience since financial responsibility went into effect in the state of Pennsylvania in trying to obtain insurance for the man who drives an automobile and does not own one. When you try to get operator's financial responsibility policy, you

have to go and hunt a company to take them. Now, if we have laws in this state to compel you to do a certain thing, it will be up to the state to provide the means and the state of Pennsylvania will positively have to go into the automobile insurance business, if the insurance company will not take the risks. Insurance companies have the right to decide whether or not they are going to take certain risks, and if they decide they will not take them and there is a law that you must have insurance then the State will have to provide the means and it will be exactly the same as the Workmen's Compensation Laws. There will be a big appropriation to carry the expenses of the Department, in order that they may be able to compete with the insurance companies to carry this business on a business basis. I say that it is absolutely wrong to pass a compulsory insurance bill at this time when everybody is trying to get back on his feet.

Mr. FLYNN. Mr. Speaker and members of the House, I had not intended to speak on this bill, but one of my friends here said this is just another insurance company racket. I wish to dispell that idea. I can say, as the executive of an insurance company that this bill is not backed by the insurance companies. It is not a safety measure. It is a compulsory measure and it unquestionably would work a hardship upon a great many poor people if they were compelled to insure their cars under the provisions of this compulsory act. I believe it would be a mistake to pass such a bill at this time. We have passed measures here which provide a reasonable degree of protection. In case of an accident the license is withdrawn and not renewed until after a period of time. It is not renewed after a certain number of accidents until the car owner can prove that he has taken out the proper insurance protection. Those laws we have on the statute books and I feel that this bill would do no good at the present time. I agree with my friend from Philadelphia, who just spoke, that it would result in perhaps the state going into the insurance business, and I do not believe that would be a good thing. All in all I believe that this bill is not timely. It has merit, and perhaps in time we will be ready in Pennsylvania for a compulsory law, but I don't believe that that time is now when the people are so hard up and distressed that they could not afford to pay this additional premium.

Mr. FLINCHBAUGH. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Ruth, LaRue, Cohen, Sumney, Stone, Haberlen, Sinwell, Coakley, VanSickle, Rinn, Cannon, Coolahan, Stank, Harmuth, George E. Downey, Pfaff, Furman, Schwab, Panton, Cochran, Welsh and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—62

Allen,	Gates,	Mentzer,	Schwartz,
Altenburg,	Greenstein,	Merrell,	Shepard,
Baldi,	Hamilton, R. S.,	Nagel,	Sinwell,
Brancato,	Harkins,	Ominsky,	Smith, J. A.,
Brown, H. S.,	Hindman,	Patterson, C.,	Smith, W. G.,
Brown, J. E.,	Hoffner,	Patterson, J. W.,	Sowers,
Burke,	Holstrom,	Pfaff,	Stevens,
Caputo,	Hoopes,	Phillips,	Stone,
Coakley,	Kane,	Reynolds,	Sumney,
Cohen,	Kilroy,	Roan,	Tronzo,
Condon,	LaRue,	Robinson,	VanSickle,
Conner,	Mallen,	Root,	Wasserman,
Dilley,	McCreary,	Ruffennach,	Yourishin,
Falkenstein,	McDermott,	Ruth,	Zappala,
Finnerty,	McElroy,	Scanlon,	Sarig,
Flanagan,	Melchiorre,		

NAYS—121

Achterman,	Ferko,	McDevitt,	Sloan,
Alexander,	Flinchbaugh,	McKinney,	Snyder, F. E.,
Arnold,	Flynn,	Moomaw,	Snyder, J. L.,
Aukerman,	Furman,	Mooney,	Spangler,
Baine,	Gerard,	Moore,	Sproul,
Baker, J. J.,	Gillette,	Moran,	Stank,
Barber,	Green,	Muir,	Stewart,
Barnhardt,	Habbyshaw,	Munley,	Stockham,
Bernhard,	Haberlen,	Murrin,	Stott,
Boone,	Hagerty,	O'Keefe,	Surface,
Boyd, R.,	Hamilton, F. P.,	O'Neill,	Tahl,
Boyer,	Harmuth,	Panton,	Terry,
Brennan,	Hart,	Pearson,	Trout,
Brownfield,	Hartman,	Perry,	Tumelty,
Brumbaugh,	Hefferon,	Peters,	Turner,
Cannon,	Hermansen,	Piole,	VanAllsburg,
Carson,	Hetrick,	Powers,	Walker,
Castor,	Hirsch,	Reising,	Wall,
Chervenak,	Holland,	Rhys,	Weidemann,
Cochran,	Horst,	Rinn,	Welliver,
Coleman,	Jackson,	Sarraf,	Welsh,
Coolahan,	Jones,	Schrock,	Westrick,
Cordier,	Kelder,	Schrope,	White,
Davies,	Kelso,	Schwab,	Wickersham,
Decker,	Kinney,	Shaw,	Winner,
Denning,	Klingler,	Shortz,	Witkin,
Dent,	Kobelak,	Shreiner,	Wood,
Downey, G. E.,	Linderman,	Shugarts,	Woodside,
Downey, J. J.,	Longaker,	Siegel,	Yeakel,
Duffort,	Lovett,	Simpson	Zimmerman,
Eberharter,	Male,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. RUTH asked and obtained permission of the House for the Committee on Ways and Means to meet during the session of the House.

Mr. FLINCHBAUGH asked and obtained permission of the House for the Committee on Insurance to meet during the session of the House.

RESOLUTION

Miss BRANCATO offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 17th, 1935.

Whereas, It is authoritatively reported that this is the birthday of the Hon. David L. Lawrence, Chairman of Pennsylvania Democracy; and

Whereas, The number of years he has been permitted to complete to date, is unknown to us, and guesses based on appearance are misleading after the activities of the last six months; now therefore be it

Resolved, That the Members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, take this means of congratulating that courteous and able gentleman on his birthday whatever be its serial number; and be it further

Resolved, That a copy of the action of the House with the very best wishes of all, be extended to the Hon. David L. Lawrence by the Chief Clerk.

RESOLUTION

RECALLING HOUSE BILL No. 540 FROM THE GOVERNOR

Mr. JOHN A. SMITH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 17th, 1935.

Resolved (if the Senate concur), that House Bill No. 540, Printer's No. 183, entitled "An act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled 'An act to provide for the election of prothonotaries clerks recorders and registers' so far as the same relates to Cumberland County," be recalled from the Governor for further consideration

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL No. 2653 FROM THE GOVERNOR

Mr. JOHN A. SMITH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 17th, 1935.

Resolved, (if the Senate concur), That House Bill No. 2653, Printer's No. 1091, entitled "An act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, upon payment of compensation jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township, Cumberland County, Pennsylvania, authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use, and providing for the termination of such use upon notice," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

Mr. REISING offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 17th, 1935

Resolved That House Resolution No. 112, Serial No. 145, Printer's No. 517, the sixth paragraph thereof, being the second resolved clause, be amended to read as follows: "Resolved, That said Committee shall make a report to the House of Representatives during [this] the next session as early as possible."

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2253, as follows:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by the Commonwealth any county city borough town township school district poor district person firm or corporation for the construction alteration or repairs of any work or improvement involving an expenditure of more than five thousand dollars shall contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such work or improvement and which wage or wages shall be sufficient to secure domestic happiness and provide an American standard of living and such laborers and mechanics shall be paid not less than such minimum wage or wages

Section 2 Every contract for the construction alteration or repair of any such work or improvement founded on specification containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications The contractor shall keep posted in a conspicuous place at such work or improvement the rate of wage paid to laborers and mechanics

Section 3 Every officer or person designated as an inspector architect or engineer having supervision over the work to be performed under any such contract and every agent of the Department of Labor and Industry in order to aid in enforcing the fulfillment thereof shall upon observation or investigation report to the authorities of the Commonwealth the political subdivision or agency thereof or to the person firm or corporation which let the contract and to the Department of Labor and Industry all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation

Section 4 All such penalties imposed by the stipulations in the contract shall be withheld and deducted from any moneys due the contractor by the officer or person whose duty it shall be to pay or authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors and shall be paid over to the laborer or mechanic entitled thereto

Section 5 Any officer person firm corporation contractor subcontractor inspector architect or engineer who shall fail or refuse to comply with the provisions of this act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or suffer imprisonment for a term of not more than one year or both in the discretion of the court

Section 6 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. CANNON. Mr. Speaker, I ask for a verification of the rolls.

The roll was verified and was as follows:

YEAS—65

Aukerman,	Harkins,	Nagel,	Schrope,
Baine,	Harmuth,	O'Keefe,	Shaw,
Baker, J. J.,	Hermansen,	O'Neill,	Shugarts,
Barber,	Hirsch,	Panton,	Sinwell,
Barnhardt,	Hoopes,	Patterson, C.,	Sloan,
Brancato,	Kinney,	Patterson, J. W.,	Smith, J. A.,
Brown, J. E.,	LaRue,	Pearson,	Smith, W. G.,
Brumbaugh,	Long,	Praff,	Sowers,
Cannon,	Lovett,	Pfole,	Stank,
Caputo,	McElroy,	Powers,	Stewart,
Downey, J. J.,	Mentzer,	Reising,	Tronzo,
Falkenstein,	Moomaw,	Robinson,	Van Allsburg
Fitch,	Mooney,	Ruffennach,	Walker,
Flanagan,	Moran,	Ruth,	Yourishin,
Haberlen,	Moul,	Sarraf,	Zappala,
Hagerty,	Murrin,	Scanlon,	Sarig,
Hamilton, F. P.,			

NAYS—73

Alexander,	Ferko,	Male,	Stevens,
Altenburg,	Gates,	McCreary,	Stockham,
Andrews,	Gerard,	McDermott,	Stone,
Atkins,	Gillette,	McKinney,	Stott,
Blumberg,	Green,	Melchiorre,	Surface,
Boose,	Greenstein,	Merrell,	Trout,
Boyer,	Habbyshaw,	Moore,	Turner,
Bradley,	Hamilton, R S	Muir,	Wall,
Brennan,	Hart,	Nothnagle,	Weidemann,
Brownfield,	Hoffner,	Peters,	Welliver,
Castor,	Holland,	Schrock,	Westrick,
Coleman,	Holstrom	Schwab,	Wickersham
Condon,	Horst,	Siegel,	Winner,
Conner,	Jackson,	Simpson,	Witkin,
Cordier,	Kane,	Snyder, F E,	Wood,
Davies	Kelder,	Snyder, J L,	Woodside,
Decker,	Kilroy,	Spangler,	Yeakel,
Duffort,	Linderman	Sproul,	Zimmerman,
Eberharter,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

APPROPRIATION BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2658, as follows:

An Act to provide revenue for State and school purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on corporations incorporated associations and limited partnerships conferring powers and imposing duties on certain State officers and departments and on school districts imposing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That Short Title This act shall be known and may be cited as the "Investment Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation is hereby made taxable annually for State and school purposes at the rate of seven mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and account bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section twenty hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section twenty hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank that may be liable to a tax on its shares for State purposes under the laws of the Commonwealth or relieved from the payment of tax on its shares for State purposes by the laws of this Commonwealth and except shares of stock in any corporation or limited partnership that may be liable to a franchise tax or a tax on its capital stock for State purposes under the laws of this Commonwealth or relieved from the payment of a franchise tax or a tax on its capital stock for State purposes by the laws of this Commonwealth to the extent of such a proportionate part of their value as the capital stock of such corporation or limited partnership employed within this Commonwealth and liable to a tax on capital stock or used as the taxable value in computing a franchise tax for State purposes or which is relieved from the payment of a franchise tax or a tax on capital stock for State purposes bears to the total capital stock of such corporation or limited partnership all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital in the hands of individual citizens of the State all states omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies all annuities yielding annually over two hundred dollars ($200.00) Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank or banking institution savings institution or trust company And provided That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individuals depositors in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate having agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said six mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said seven mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associa-

tions liable to a franchise tax or a tax on capital stock for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State and county purposes and in cities coextensive with counties for State and city and county purposes shall be taxed or taxable for any local purpose under the laws of this Commonwealth

Section 4 Returns (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of

(1) All the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from such property at any time during the preceding calendar year

(3) The actual market sales value of such property as of the thirty-first day of December immediately preceding

(4) Such other information as may be required by the department concerning such property

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to under imprisonment not exceeding one (1) year either or both in the discretion of the court

Section 5 Listing Date The department shall on or before the first day of February one thousand nine hundred thirty-six and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and assessed The day so fixed shall be between the first and fifteenth days of the immediately preceding month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property if through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Original Assessment Notice The department shall originally assess the tax imposed by the third section of this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 7 Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all property made taxable by the third section of this act or that such resident owned held or possessed no such taxable property it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the gross amount of taxable property returned with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment

Section 8 Additional Assessment Notice If any taxable resident shall fail to include in any return all of his property made taxable by the third section of this act the department shall make an additional assessment against such resident of the amount of such omitted property together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereto to such resident If such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 Assessments Made at any Time within Five Years An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation nothwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 10 Petition for Reassessment Appeal (a) Any resident against whom any original assessment or additional assessment is made may petition to the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time the amount becomes due and payable to wit within ten (10) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such peti-

tions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any resident against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 11 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest and penalties as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed to action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment of agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on th first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of very single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of he plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section 12 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerk Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 13 Reports by Corporations All corporations and incorporated associations incorporated under the laws of this Commonwealth or doing business within this Commonwealth shall on or before the first day of February of each year file a report with the department giving the following information with respect to the shares of stock lands and other obligations of such corporation or incorporated association

(1) Names and addresses of the holders thereof

(2) Number of shares or face value of bonds or other obligations held by each and

(3) Par and market or book value of such stock bonds or other obligations

Section 14 Payment and Due Date All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within ten (10) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within ten (10) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within ten (10) days after the expiration of the time within which a return may be made in such cases if no return is made and ten (10) days after notice of the assessment made on the basis of such return is given

or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

Section 15 Interest The tax imposed by the third section of this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

Section 16 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as shall be a lien upon the franchises and property both real and personal of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 17 Credits for Overpayment The Board of Finance and Revenue may allow credit for any taxes imposed by the third section of this act and penalties and interest thereon alleged to have been paid as the result of an error of law or of fact or of both law and fact Claims for such credits shall be made in accordance with the provisions of The Fiscal Code relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section 18 Penalties Costs (a) Any person copartnership association or corporation failing to make any return required by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or in the case of individuals members of copartnerships and the responsible officers of associations and corporations to undergo imprisonment not exceeding three months or both

(b) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(c) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section eleven of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section eleven of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(e) Every executor or administrator who fails to file the affidavit with the register of wills as required by section eleven of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(f) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 19 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examing the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Any information as to the property holdings of any specific resident gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The department shall publish a summary of all the personal property made taxable by section three of this act returned or otherwise assessed in each county in two newspapers of general circulation in such county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 20 Disposition and Use of Tax (a) School District Investment Tax Account Created All taxes interest fines forfeitures and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the State School Fund of the State Treasury and shall be credited to a ledger account to be known as the school district investment tax account

(b) Payments to School Districts On the first day of August one thousand nine hundred thirty-six and annually thereafter the amount then standing to the credit of the school district investment tax account less two per

cenum of such amount shall be paid by the Superintendent of Public Instruction as State-aid to the respective school districts of the Commonwealth which are qualified to receive the same under the provisions of this section for the purpose of reducing the respective tax assessments and levies of such districts against real estate within such districts Payments to each school district shall be based upon the proportion the population of the particular school district bears to the aggregate population of all the school districts For the purpose of this section the population of the school districts shall be ascertained by reference from time to time to the last preceding decennial United States census

(c) Requirements to be Met by School Districts to Receive State-aid Except as hereinafter provided in this article no school district shall be entitled to receive or shall be paid State-aid under the provisions of this section unless the board of education or board of school directors of the school district shall for the next school year commencing after the effective date of this act and each school year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the school year one thousand nine hundred and thirty-five or one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five as the case may be by an amount equal to the State-aid per estimated pupil to be received from revenues collected under the provisions of this act and payable to the school district during said school year Provided That no school district shall reduce its tax levy on real estate for any school year below that required to pay the interest and sinking fund charges on the funded debt of the school district

In order to enable taxing authorities of school districts to effect such reduction of taxes on real estate the Superintendent of Public Instruction shall certify annually to each school district at or before the time provided by law for the levying of school taxes estimates of the amount of State-aid each district will receive under this act during the school year for which it is about to levy taxes Such estimates shall be based on information furnished from time to time by the Department of Revenue

(d) Reports by School District The Superintendent of Public Instruction shall have power to require from time to time such reports and information from school districts as he shall deem necessary for the proper distribution of State-aid under the provisions of this section It shall be the duty of every school district to furnish such reports and information as the Superintendent of Public Instruction shall require and any school district failing to do so shall not be qualified to receive State-aid under this section until such reports or information is furnished to the Superintendent

(e) Board Created to Determine Dispute If any question shall arise under this section whether a school district in accordance with the spirit and intent of this act has either affected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program such question shall be decided by the Superintendent of Public Instruction The action of the Superintendent of Public Instruction on any question under this section shall be final

(f) Cost of Collection Two per centum of the amount to be distributed to school districts each year under the provisions of this section shall be transferred on or before the first day of August of each year from the school district investment tax account in the State School Fund to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the Department of Revenue and shall be available and is hereby appropriated for the same purpose for which such current biennial appropriation is available

(g) Appropriation The moneys from time to time in the State School Fund to the credit of the school district investment tax account except those that are refunded as provided in this act are hereby appropriated to the Department of Public Instruction for the purposes specified in this section

Section 21 Tax on Script Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and all script bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for the year one thousand nine hundred and thirty-six and annually thereafter for State purposes at the rate of seven miles on each dollar of the nominal value thereof Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or in which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock but nothing herein contained shall be construed to relieve or exempt individual depositors

in savings institutions having no capital stock from any taxation to which such depositors may be subject and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said seven mills tax herein provided for or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said seven mills tax or any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all benecial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a franchise tax or a tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all script bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such script bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 22 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section twenty of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act

Section 23 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act Is is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 24 Acts of Assembly Repealed The act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and all amendments thereto is hereby repealed but the provisions of this act as far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments Nothing herein contained shall be construed as revising any act repealed by the act which this act repeals and nothing contained in this section shall be construed as relieving any person association or corporation from any taxes penalties and interest imposed for the year one thousand nine hundred thirty-five and prior years under the provisions of any act or parts of acts repealed by this act or to prevent the collection of such taxes penalties and interest due under such repealed acts in the manner provided in such acts

Section 25 Effective Date This act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker I would like to interrogate the sponsor of this bill.

The SPEAKER. Will the gentleman from Butler permit himself to be interrogated?

Mr. MURRIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman to explain the purpose of the bill.

Mr. MURRIN. Mr. Speaker and ladies and gentlemen of the House, this bill is captioned an appropriation bill, the purpose of which is to provide revenues for schools. You may have a dozen appropriation bills but if there isn't anything to appropriate, of what use are they?

This bill also provides for that which to appropriate. Since the introduction of this bill I have had correspondence from every section of the state, from educators enlisting aid for it, because they were impressed with its merits.

In addition to the revenue provided for the public schools, it also contains a provision which calls for a reduction on real estate taxation, for which I have also had tremendous support and sentiment for it. Incidentally, we have heard so much about reduction of real estate taxes, and about revenue for public schools, this takes care of both, and I ask you to vote for this bill.

Mr. TURNER. Mr. Speaker, do the provisions of this bill change the present four mill tax on securities to a tax of seven mills for school purposes?

Mr. MURRIN. Mr. Speaker, that is true.

Mr. TURNER. Mr. Speaker, would it leave the four mill tax to be levied and collected by the county?

Mr. MURRIN. Mr. Speaker, no, it will not.

Mr. TURNER. Mr. Speaker, in other words, this bill would take away from the county its present four mill tax?

Mr. MURRIN. It will, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, I am thoroughly in accord with the general desire of the members of this House to relieve real estate where we can by increasing the return from the State to the public schools. There is no question that our public schools are facing a very grave problem in the next biennium. The amount of the general appropriation bill is fifty-eight million dollars to take care of subsidies under the Edmonds act. That is the usual subsidy; that does not increase the amount which the state has to contribute, and therefore is no further relief upon real estate. But this bill, while its purpose is very good, is bad in its affects because it will take away from the county the four mill tax which it now receives. It would mean in almost every county in this State, particularly the counties in the Philadelphia metropolitan district, it would mean that that tax would have to be placed back upon real estate by the county.

In the second place the most dangerous thing in the attempt to take away from the counties the four mill tax is

that you disrupt the borrowing capacity of every county, because personal property which is taxed by the counties is calculated on the amount of the assessed valuation that the counties have, upon which they can create indebtedness. If you were to pass this bill, I am sure that you would throw your county finances into chaos and therefore this bill should be defeated.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—107

Achterman,	Dent,	McDermott,	Schrope,
Alexander,	Downey, G. E.,	McElroy,	Schwab,
Allen,	Downey, J. J.,	McHenry,	Shaw,
Andrews,	Eberharter,	Melchiorre,	Shepard,
Arnold,	Eroe,	Mentzer,	Shugarts,
Atkins,	Falkenstein,	Moomaw,	Siegel,
Aukerman,	Finnerty,	Mooney,	Sinwell,
Baine,	Fitch,	Moran,	Smith, J. A.,
Baker, J. J.,	Flanagan,	Moul,	Smith, W. G.,
Barber,	Furman,	Murrin,	Stank,
Bradley,	Gerard,	Nagel,	Stevens,
Brancato,	Haberlen,	O'Keefe,	Stewart,
Brown, H. S.,	Hagerty,	Ominsky,	Stone,
Brown, J. E.,	Haluska,	O'Neill,	Sumney,
Brownfield,	Hamilton, F. P.,	Panton,	Tronzo,
Brumbaugh,	Harkins,	Patterson, C.,	Tumelty,
Burke,	Hartman,	Patterson, J. W.,	Van Allsburg,
Caputo,	Hetrick,	Pearson,	Van Sickle,
Carson,	Hindman,	Pfaff,	Walker,
Chervenak,	Hirsch,	Piole,	Weiss,
Coakley,	Holstrum,	Powers,	Welliver,
Cochran,	Hoopes,	Reising,	Welsh,
Cohen,	Kelso,	Rinn,	Westrick,
Coleman,	Kilroy,	Robinson,	Yourishin,
Condon,	Klinger,	Ruffennach,	Zappala,
Coolahan,	Kobelak,	Ruth,	Sarig,
Decker,	LaRue,	Scanlon,	

NAYS—55

Altenburg,	Flynn,	Merrell,	Tahl,
Baldi,	Green,	Moore,	Trout,
Barnhardt,	Greenstein,	Nothnagle,	Turner,
Bernhard,	Habbyshaw,	Peters,	Wall,
Blumberg,	Hamilton, R. S.,	Rhys,	Weidemann,
Boose,	Hart,	Shortz,	White,
Boyd, R.,	Hefferon,	Shreiner,	Wickersham,
Boyer,	Horst,	Simpson,	Winner,
Brennan,	Jackson,	Sloan,	Witkin,
Castor,	Kane,	Snyder, J. L.,	Wood,
Conner,	Kinney,	Spangler,	Woodside,
Cordier,	Longaker,	Sproul,	Yeakel,
Davies,	McDevitt,	Stockham,	Zimmerman,
Duffort,	McKinney,	Stott,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HARKINS asked and obtained permission of the House for the Committee on Pensions and Gratuities to meet during the session.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I just want to call the attention of the House to the fact that a little earlier in the evening you passed the McCreary bill that provided for increasing the usual four mill tax on personal property to six mills, four mills to the county and two mills to the state. You have now passed a bill with the usual four mill tax, but increased it to seven mills, and the tax will go to the school board.

Mr. VanSICKLE. Mr. Speaker, that is following the usual custom of giving a great latitude to the Senate in making their choice.

HOUSE BILL NO. 473 TAKEN FROM TABLE

Mr. CAPUTO. Mr. Speaker, I move that the Senate Message on House Bill No. 473, which was laid upon the table be taken from the table.

The motion was agreed to

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 473.

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exexmptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by striking out after the word "amend" the words "paragraph (a) one" and inserting in lieu thereof the words "paragraphs one two and

three of clause (a)"; also on page 2, in the next to the last line of title by inserting after the word "amended" the word "by"; also in same line by striking out after the word "further" the words "defining the nature and time of" and inserting in lieu thereof the words "providing with respect to"; also in last line of title by striking out after the word "funds" the words "to be made."

Amend section 1, page 2, line 4, by striking out after the word "paragraph" the words "(a) one" and inserting in lieu thereof the words "one of clause (a)"; also on page 4, line 8, by inserting after the figure "1" the words "Legal Investments for Fiduciaries"; also on page 10, line 18, by striking out after the word "Interests" the words "A fractional"; and inserting in lieu thereof the word "Fractional"; also in line 21, by inserting after the word "funds" the words "or in a pool or fund of such investments established and being maintained by any trust company or bank and trust company in its trust department as may be provided by law such fractional interests being"; also by striking out after the word "apportioned" the words "to an estate" and inserting in lieu thereof the words "among estates"; also in line 23, by striking out after the word "undivided" the words "interest in" and inserting in lieu thereof the words "interests is"; also in line 25, by inserting after the word "mortgage" the words "or in a pool or fund containing mortgages"; also in line 26, by striking out after the word "of" the word "the" and inserting in lieu thereof the word "such"; also by inserting after the word "mortgage" the words "or of any mortgage contained in any such pool or fund"; also in line 27, by striking out after the word "extension" the word "thereof" and inserting in lieu thereof the words "of such mortgage" or of any mortgage contained in any such pool or fund"; also in line 29, by striking out after the word "value" the words "of the mortgaged property"; also on page 11, line 1, by inserting after the word "investment" the words "of the real estate subject to such mortgage or to any mortgage contained in any such pool or fund"; also on page 13, line 22, by inserting after the word "on" the words "not less than two-thirds of"; also in line 23, by inserting after the word "lines" the words "covered by its lien"; also in line 24, by inserting at the beginning of said line the words "two-thirds"; also on page 15, line 12, by striking out after the word "exceeding" the word "seven" and inserting in lieu thereof the word "fifteen"; also in line 15, by striking out at the beginning of said line the word "two" and inserting in lieu thereof the word "three"; also in line 22, by striking out after the word "pledged" the word "bonds" and inserting in lieu thereof the words "railroad obligations"; also on page 16, line 24, by striking out after the word "from" the words "other corporations" and inserting in lieu thereof the words "any individual partnership unincorporated association or other corporation"; also on page 21, line 13, by striking out after the word "the" the word "issue" and inserting in lieu thereof the word "issuance"; also on page 24, line 27, by inserting after the word "retirement" the following: "The bonds under such junior mortgage shall comply with the requirements of this sectin and such underlying mortgage shall be either a closed mortgage or shall remain open solely for issuance of additional bonds which are to be pledged under such junior mortgage"; also on page 25, line 5, by striking out after the word "secured" the word "thereby" and inserting in lieu thereof the words "by such first or refunding mortgage"; also in line 6, by inserting after the word "all" the word "the"; also on page 27, by inserting after the word "by" in line 3 the following new paragraph:

"Sub-Section (11) Mortgages Insured by Federal Housing Administrator Mortgages of one or more individuals or corporations securing bonds or other obligations insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and thirty-seven pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four

Sub-Section (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested monies in its hands to be invested"

Also in line 4, by striking out after the words "Sub-Section" the figure "(11)" and inserting in lieu thereof the figure "(13)"; also on same page by striking out lines 16 to 25 inclusive, as follows:

"(c) No fiduciary having more than ten thousand dollars ($10,000) for investment purposes shall invest more than one-third of the funds in his possession in any one investment except in bonds and obligations of the United States the District of Columbia the Commonwealth of Pennsylvania or any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such governments or political subdivisions have been pledged"

Also on same page, by inserting after the word "pledged" in line 25 the following:

"(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such non-legal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment"

Amend bill, page twenty-eight by inserting after the word "fiduciary" in line fourteen the following new sections:

"Section 2 That paragraphs two and three of clause (a) of section forty-seven of said act are hereby amended to read as follows

2 [When a fiduciary shall have in his hands any monies as aforesaid he] Investments Under Authority of Court

A fiduciary holding monies to be invested as aforesaid may present a petition to the Orphans' Court having jurisdiction of his accounts stating the circumstances of the case and the amount or sum of money which he is desirous of investing whereupon it shall be lawful for the court upon due proof aided if necessary by the report of a master to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground rents or in the bonds or certificates of debt now created or hereafter to be created and issued according to law by any other State of the United States or by any of the counties or cities of such other State at such prices or on such rates of interest and terms of payment respectively as the court shall think fit Provided That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust And provided further That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any will in regard to the investment of such moneys

3 Fiduciaries Exempted from Liability for Loss In case the said moneys shall be invested as set forth in paragraph one of clause (a) of this [clause] section or conformably to the directions of the court under paragraph two of clause (a) of this [clause] section the said fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the will creating the trust it being hereby declared that the investments mentioned in this section are legal investments of moneys by fiduciaries Provided however That if any such investment shall cease to be a legal investment it shall be the duty of such fiduciary to exercise due care and prudence in the ascertainment of such fact and in the disposition or retention of any such investment thereafter

Section 3 This act shall become effective immediately upon final enactment"

On the question,

Will the House concur in the amendment made by the Senate?

Mr. SOWERS. Mr. Speaker and members of the House, House Bill No. 473 was passed by this House as amended. It then went over into the Senate and the Senate removed our amendment and sent it back here for concurrence in their amendment. I talked to the representative of the Department of Banking and he informed me that the administration has adopted the bill as passed by the Senate.

I was opposed to the bill; I was opposed to the amendments but realizing that it is now an administration bill, it would be useless for me to further continue to quarrel with them.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Mallen,	Schwab,
Alexander,	Falkenstein,	Mason,	Schwartz,
Allen,	Ferko,	McCreary,	Shaw,
Altenburg,	Finnerty,	McDermott,	Shepard,
Andrews,	Fitch,	McDevitt,	Shreiner,
Arnold,	Flanagan,	McElroy,	Shugarts,
Atkins,	Flinchbaugh,	McHenry,	Siegel,
Aukerman,	Flynn,	McKinney,	Simpson,
Baine,	Forrest,	Melchiorre,	Sinwell,
Baker, J. J.,	Furman,	Mentzer,	Sloan,
Baldi,	Gates,	Merrell,	Smith, J. A.,
Barber,	Gerard,	Moomaw,	Smith, W. G.,
Barnhardt,	Gillette,	Mooney,	Snyder, F. E.,
Bernhard,	Green,	Moore,	Snyder, J. L.,
Blumberg,	Greenstein,	Moran,	Spangler,
Boose,	Habbyshaw,	Moul,	Sproul,
Boyd, R.,	Haberlen,	Muir,	Stank,
Boyer,	Hagerty,	Munley,	Stevens,
Bradley,	Haluska,	Murrin,	Stewart,
Brancato,	Hamilton, F. P.,	Nagel,	Stockham,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stone,
Brown, H. S.,	Harkins,	O'Keefe,	Stott,
Brown, J. E.,	Harmuth,	Ominsky,	Sumney,
Brownfield,	Hart,	O'Neill,	Surface,
Brumbaugh,	Hartman,	Panton,	Tahl,
Burke,	Hefferon,	Parks,	Terry,
Cannon,	Hermansen,	Patterson, C.,	Tronzo,
Caputo,	Hetrick,	Patterson, J. W.,	Trout,
Carr,	Hindman,	Pearson,	Tumelty,
Carson,	Hirsch,	Perry,	Turner,
Castor,	Hoffner,	Peters,	VanAllsburg,
Chervenak,	Holland,	Pfaff,	VanSickle,
Coakley,	Holstrom,	Phillips,	Walker,
Cochran,	Horst,	Piole,	Wall,
Cohen,	Jackson,	Powers,	Wasserman,
Coleman,	Jones,	Reising,	Weidemann,
Condon,	Kane,	Reynolds,	Weiss,
Conner,	Kelder,	Rhys,	Welliver,
Coolahan,	Kelso,	Rinn,	Welsh,
Cordier,	Kilroy,	Roan,	Westrick,
Davies,	Kinney,	Robinson,	White,
Decker,	Klinger,	Rooney,	Winner,
Denning,	Kobelak,	Root,	Witkin,
Dent,	LaRue,	Ruffennach,	Woodside,
Diehl,	Linderman,	Ruth,	Yeakel,
Dilley,	Long,	Sarraf,	Yourishin,
Downey, G. E.,	Longaker,	Scanlon,	Zappala,
Downey, J. J.,	Lovett,	Schrock,	Zimmerman,
Duffort,	Lynch,	Schrope,	Sarig,
Eberharter,	Male,		

NAYS—4

Hoopes,	Sowers,	Wickersham,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

APPROPRIATION BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1670 (Senate Bill No. 535), entitled:

An Act making an appropriation to The Glen Mills School situate in Delaware County Pennsylvania

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 4, by striking out the bracket before the word "three"

Amend sec. 1, page 1, line 4, by striking out the bracket after the word "one"

Amend sec. 1, page 1, line 4, by striking out the words "eighty-five"

Amend sec. 1, page 1, line 5, by striking out the figures "($85,000)" and insert in lieu thereof "($301,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. CAPUTO asked and obtained permission of the House for the Committee on Judiciary General to meet during the session.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1513 (Senate Bill No. 466), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,

Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

A majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1674 (Senate Bill No. 539), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time .

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 4, by striking out the bracket before the word "two"

Amend sec. 1, page 1, line 4, by inserting a bracket before the word "eighty-eight" thus "["

Amend sec. 1, page 1, line 5, by striking out the figures "(85,000)" and insert in lieu thereof "(285,000)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1306 (Senate Bill No. 363), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Andrews,	Flinchbaugh,	McHenry,	Siegel,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	Van Allsburg,
Chervenak,	Holstrum,	Phillips,	Van Sickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1395 (Senate Bill No. 491), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was detrmined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1283 (Senate Bill No. 173), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

QUESTION OF INFORMATION

Mr. JOHN E. BROWN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to know if the Downtown Industrial and Agricultural School is a state institution under the control of the state.

Mr. STOTT. Mr. Speaker, it is not a state instituion.

Mr. JOHN E. BROWN. Mr. Speaker, I am very much opposed to any appropriation to schools that are not under the control of the state in these times when we have cut the appropriations to normal schools and public schools. I think that we do not have enough money to make appropriations to schools for which we accept no responsibility. I ask the members to vote against this appropriation.

Mr. STOTT. Mr. Speaker and members of the House, the Downingtown School has been receiving a state appropriation for years and is doing wonderful work for the colored people in that vicinity and for people from all over the state. I ask the members of the House to vote for this appropriation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Andrews,	Flinchbaugh,	McHenry,	Siegel,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	VanAllsburg,
Chervenak,	Holstrom,	Phillips,	VanSickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klinger,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,		

NAYS—1

Brown, J. E.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 577, entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affrmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading ad consideration of House Bill No. 603, entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 592, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott.
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout.
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1150, entitled:

An Act making an appropriation to the National Farm School at Doylestown Pennsylvania

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1394 (Senate Bill No. 155), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,

Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrum,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2822 (Senate Bill No. 295), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2929 (Senate Bill No. 963), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I would like to register my objection to the passage of this bill, which appropriates almost two and one-half million dollars to the University of Pennsylvania, which is not a state school. Our Normal Schools have been cut, the public schools have been cut, and the proper place to make the cut is in this University. I ask you gentlemen to vote against this bill.

(Remarks expunged from record).

MOTION TO EXPUNGE REMARKS

Mr. WITKIN. Mr. Speaker, I move that that portion of the remarks which the gentleman from Washington, Mr. Brown, has just made, as follows: "bribed the Senators with scholarships" be expunged from the record.

Mr. JOHN E. BROWN. Mr. Speaker, I would like to state that I told you the truth and the truth should never

be removed from the record. The people of this state have the right to know the truth.

The SPEAKER. The Chair rules that the motion to expunge can be made after the House has disposed of the bill.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Ferko,	Mason,	Shaw,
Alexander,	Finnerty,	McCreary,	Shepard,
Allen,	Fitch,	McDermott,	Shortz,
Altenburg,	Flanagan,	McDevitt,	Shreiner,
Arnold,	Flinchbaugh,	McElroy,	Shugarts,
Atkins,	Flynn,	McHenry,	Siegel,
Aukerman,	Forrest,	McKinney,	Simpson,
Baine,	Furman,	Melchiorre,	Sinwell,
Baker, J. J.,	Gates,	Mentzer,	Sloan,
Baldi,	Gerard,	Merrell,	Smith, J. A.,
Barber,	Gillette,	Moomaw,	Smith, W. G.,
Barnhardt,	Green,	Mooney,	Snyder, F. E.,
Bernhard,	Greenstein,	Moore,	Snyder, J. L.,
Blumberg,	Habbyshaw,	Moran,	Sowers,
Boose,	Haberlen,	Moul,	Spangler,
Boyd, R.,	Hagerty,	Muir,	Sproul,
Boyer,	Haluska,	Murrin,	Stank,
Bradley,	Hamilton, F. P.,	Murrin,	Stevens,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brownfield,	Hart,	O'Neill,	Sumney,
Brumbaugh,	Hartman,	Panton,	Surface,
Burke,	Hefferon,	Parks,	Tahl,
Cannon,	Hermansen,	Patterson, C.,	Terry,
Caputo,	Hetrick,	Patterson, J. W.,	Tronzo,
Carr,	Hindman,	Pearson,	Trout,
Carson,	Hirsch,	Perry,	Tumelty,
Castor,	Hoffner,	Peters,	Turner,
Chervenak,	Holland,	Pfaff,	VanAllsburg,
Coakley,	Holstrom,	Phillips,	VanSickle,
Cochran,	Horst,	Piole,	Walker,
Cohen,	Jackson,	Powers,	Wall,
Coleman,	Jones,	Reising,	Wasserman,
Condon,	Kane,	Reynolds,	Weidemann,
Conner,	Kelder,	Rhys,	Weiss,
Coolahan,	Kelso,	Rinn,	Welliver,
Cordier,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Rooney,	White,
Denning,	Kobelak,	Root,	Wickersham,
Dent,	LaRue,	Ruffennach,	Winner,
Diehl,	Linderman,	Ruth,	Witkin,
Dilley,	Long,	Sarraf,	Wood,
Downey, G. E.,	Longaker,	Scanlon,	Woodside,
Downey, J. J.,	Lovett,	Schrock,	Yeakel,
Duffort,	Lynch,	Schrope,	Yourishin,
Eberharter,	Male,	Schwab,	Zappala,
Eroe,	Mallen,	Schwartz,	Zimmerman,
Falkenstein,			Sarig,

NAYS—3

Andrews,	Brown, J. E.,	Nagel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REMARKS EXPUNGED FROM THE RECORD

Mr. WITKIN. I move that the latter portion of the remarks of the gentleman from Washington, Mr. Brown, be expunged from the record.

The motion was agreed to.

APPROPRIATION BILLS ON THIRD READING

Argeeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1935 (Senate Bill No. 299), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in the Dixmont Hospital at Dixmont Allegheny County

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrum,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2089 (Senate Bill No. 754), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

On the question,

Will the House agree to the bill on third reading?

Mr. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 4 by striking out the heavy brackets after the word "of" and before the word "one".

Amend Section 1, page 1, line 4 by striking out the heavy face bracket after the word "million" and before the word "seven".

Amend Section 1, page 1, line 4 by striking out with heavy face brackets the words "seven hundred fifty thousand".

Amend Section 1, page 1, line 5 by striking out the heavy face bracket after the word "dollars" and before the figure "($1,000,000)".

Amend Section 1, page 1, line 5 by striking out the heavy face bracket after the figure "($1,000,000)" and before the figure "($750,000)".

Amend Section 1, page 1, line 5 by striking out with heavy face brackets the figure "($750,000)".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2087 (Senate Bill No. 665), entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making an appropriation for carrying the same into effect.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1121, entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for optometrical education.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,

Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1864, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1228, entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Bernhard,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,

Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrock,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2711, entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (P. L. 579) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Arnold,	Flanagan,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, J. J.,	Furman,	Mentzer,	Smith, J. A.,
Baldi,	Gates,	Merrell,	Smith, W. G.,
Barber,	Gerard,	Moomaw,	Snyder, F. E.,
Barnhardt,	Gillette,	Mooney,	Snyder, J. L.,
Bernhard,	Green,	Moore,	Sowers,
Blumberg,	Greenstein,	Moran,	Spangler,
Boose,	Habbyshaw,	Moul,	Sproul,
Boyd, R.,	Haberlen,	Muir,	Stank,
Boyer,	Hagerty,	Munley,	Stevens,
Bradley,	Haluska,	Murrin,	Stewart,
Brancato,	Hamilton, F. P.,	Nagel,	Stockham,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stone,
Brown, H. S.,	Harkins,	O'Keefe,	Stott,
Brown, J. E.,	Harmuth,	Ominsky,	Sumney,
Brownfield,	Hart,	O'Neill,	Surface,
Brumbaugh,	Hartman,	Panton,	Tahl,
Burke,	Hefferon,	Parks,	Terry,
Cannon,	Hermansen,	Patterson, C.,	Tronzo,
Caputo,	Hetrick,	Patterson, J. W.,	Trout,
Carr,	Hindman,	Pearson,	Tumelty,
Carson,	Hirsch,	Perry,	Turner
Castor,	Hoffner,	Peters,	VanSickle,
Chervenak,	Holland,	Pfaff,	Walker,
Coakley,	Holstrom,	Phillips,	Wall,
Cochran,	Hoopes,	Piole,	Wasserman,
Cohen,	Horst,	Powers,	Weidemann,
Coleman,	Jackson,	Reising,	Weiss,
Condon,	Jones,	Reynolds,	Welliver,
Conner,	Kane,	Rhys,	Welsh,
Coolahan,	Kelder,	Rinn,	Westrick,
Cordier,	Kilroy,	Roan,	White,
Davies,	Kinney,	Robinson,	Wickersham,
Decker,	Klingler,	Rooney,	Winner,
Denning,	Kobelak,	Root,	Witkin,
Dent,	LaRue,	Ruffennach,	Wood,
Diehl,	Linderman,	Ruth,	Woodside,
Dilley,	Long,	Sarraf,	Yeakel,
Downey, G. E.,	Longaker,	Scanlon,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—4

Andrews,	Kelso,	Schrock,	VanAlsburg,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2961, entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same and to make a general survey of the steel industry and making an appropriation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, J. L.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2743, entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and develpment of the Trexler-Lehigh Game Preserve as a public park.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAlsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraff,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1403 (Senate Bill No. 350), entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers providing for the payment of such excavations and making an appropriation

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraff,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2933 (Senate Bill No. 1026), entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraff,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2901 (Senate Bill No. 1382), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraff,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

STATEMENT BY MR. REISING

Mr. REISING asked and received unanimous consent to make the following statement.

Mr. Speaker and members of the House, the report of the investigating committee on the Beaver County Relief situation, pursuant to House Resolution No. 12, Session of 1935, is herewith submitted, a copy of which was placed in each mail box. You can all read it and see what it is.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal

REPORTS FROM COMMITTEES

Mr. SOWERS, from the Committee on Ways and Means, reported as committed, House Bill No. 3025, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax.

Mr. BAINE, from the Committee on Ways and Means, reported as committed, House Bill No. 3026, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and or other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-five, evidencing by tax anticipation notes secured by and payable from current revenues levied, assessed, collectible and or accruing during such two fiscal years; defining the powers and duties of the State Treasurer in relation thereto, providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Mr. COHEN, from the Committee on Ways and Means, reported as committed, House Bill No. 3032, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for rights of the holders thereof.

Mr. SOWERS, from the Committee on Ways and Means, reported as Committed, House Bill No. 3010, entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements and sports on Sunday; requiring persons, partnerships, associations or corporations conducting places of amusements and sports on Sunday to secure permits; imposing duties and conferring powers upon the Department of Revenue; prescribing the method and manner of collecting the tax and its payment into the State Treasury; permitting refunds of the tax in certain instances; and providing penalties.

Mr. BLUMBERG, from the Committee on Judiciary General, reported as committed, House Bill No. 2269, entitled:

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers, custodians or trustees for individuals and partnerships, and to require persons to appear in court for examination.

Mr. O'NEILL, from the Committee on Insurance, reported as committed, House Bill No. 2993 (Senate Bill No. 1028) entitled:

An Act to amend section six hundred twenty-nine of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from sub-division (b) of Article six of that act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts.

Mr. COAKLEY, from the Committee on Insurance, reported as committed, House Bill No. 2994 (Senate Bill No. 1027) entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles.

Mr. DENT, from the Committee on Pensions and Gratuities, reported as committed, House Bill No. 2985 (Senate Bill No. 1514) entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (P. L. 112) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe.

Mr. COOLAHAN, from the Committee on Insurance, reported as committed, House Bill No. 2978 (Senate Bill No. 1032) entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies.

Mr. TAHL, from the Committee on Insurance, reported as committed, House Bill No. 3013 (Senate Bill No. 1035) entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such

companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

Mr. FLYNN, from the Committee on Insurance, reported as committed, House Bill No. 2945 (Senate Bill No. 951) entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualifications regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurace companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio.

Mr. ARNOLD, from the Committee on Agriculture, reported as committed, House Bill No. 3020 (Senate Bill No. 1531) entitled:

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties.

Mr. REYNOLDS, from the Committee on Pensions and Gratuities, reported as committed, House Bill No. 2984 Senate Bill No. 1484) entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and requiring the Commonwealth to contribute on the same basis in such cases.

Mr. SHAW, from the Committee on Counties, re-reported as committed, House Bill No. 1253, entitled·

An Act providing for and regulating the appointment promotion reduction in rank and removal of paid members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio operators and their assistants in counties of the second class and in the cities boroughs towns and townships within such counties creating a county civil service commission in each such county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on such counties and the cities boroughs towns and townships located therein imposing penalties and repealing inconsistent laws.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3025, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3026, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and or other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-five, evidenced by tax anticipation notes secured by and payable from current revenues levied, assessed, collectible and or accruing during such two fiscal years; defining the powers and duties of the State Treasurer in relation thereto, providing for the payment of interest on, and the repayment of such loans; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3032, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for rights of the holders thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3010, entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements and sports on Sunday; requiring persons, partnerships, associations or corporations conducting places of amusements and sports on Sunday to secure permits; imposing duties and conferring powers upon the Department of Revnue; prescribing the method and manner of collecting the tax and its payment into the State Treasury; permitting refunds of the tax in certain instances; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2269, entitled:

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers, custodians or trustees for individuals and partnerships, and to require persons to appear in court for examination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2993 (Senate Bill No. 1028), entitled:

An Act to amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from sub-division (b) of Article six of that act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2994 (Senate Bill No. 1027), entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as in stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2985 (Senate Bill No. 1514), entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2978 (Senate Bill No. 1032), entitled:

An Act to amend section five hundred and two of article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3013 (Senate Bill No. 1035), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2945 (Senate Bill No. 951) entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 3020 (Senate Bill No. 1531), entitled:

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2984 (Senate Bill No. 1484), entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and requiring the Commonwealth to contribute on the same basis in such cases.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Mr. WITKIN. Mr. Speaker, at the request of the sponsor I desire to call up House Bill No. 1783, Printer's No. 1479, on page 5 of today's calendar, bills on second reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1783, entitled:

An Act to amend section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" further defining cases in which imprisonment for debt shall or shall not be permitted

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act no person shall be arrested or imprisoned on any civil process issuing out of any court of this Commonwealth in any suit or proceedings instituted for the recovery of any money due upon any judgment or decree founded upon any contract or due upon any contract express or implied or for the recovery of any damages for non-performance of any contract or for the recovery of any damages against a principal arising out of injury to person or property and caused by the act or omission of the agent servant or employe of such principal except in proceedings as for contempt to enforce civil remedies action for fines or penalties or on promises to marry accompanied with seduction on moneys collected by any public officer or for any misconduct or neglect in office or in any professional employment in which cases the remedies shall remain as heretofore

On the question,
Will the House agree to the section?
Mr. WITKIN. Mr. Speaker, I desire to offer the following amendments.
The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 9, by underscoring the entire said line
Amend Sec. 1, page 2, line 10, by underscoring the following: "agent, servant or employe of such principal"

On the question,
Will the House agree to the amendments?
They were agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" further defining cases in which imprisonment for debt shall or shall not be permitted

And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. OMINSKY. Mr. Speaker, I move that the time on House Bill No. 2690, Printer's No. 1007, entitled:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering The Public Service Commission to grant revoke and suspend permits empowering The Public Service Commission to fix minimum rates fares and charges of private contract carriers prescribe maximum hours of employment for drivers of private contract carriers trucks requiring identification insignia to be displayed in or on private contract motor trucks prescribing fees and penalties increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of The Public Service Commission

on page 45 of today's calendar, bills on third reading postponed, be extended five days.
The motion was agreed to.

BILL ON THIRD READING

Mr. COHEN asked and obtained unanimous consent to call up out of order House Bill No. 2970, Printer's No. 1499, on page 41 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2970, entitled:

An Act to amend the act approved the twenty-second day of November one thousand nine hundred thirty-three (one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Special Session Pamphlets Laws five) entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officers and departments and certain individuals firms and corporations and imposing penalties" by providing for an extension of time for payment in certain cases

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Falkenstein,	Mallen,	Shaw,
Alexander,	Ferko,	Mason,	Shepard,
Allen,	Finnerty,	McCreary,	Shortz,
Altenburg,	Fitch,	McDermott,	Shreiner,
Andrews,	Flanagan,	McDevitt,	Shugarts,
Arnold,	Flinchbaugh,	McElroy,	Siegel,
Atkins,	Flynn,	McHenry,	Simpson,
Aukerman,	Forrest,	McKinney,	Sinwell,
Baine,	Furman,	Melchiorre,	Sloan,
Baker, J. J.,	Gates,	Mentzer,	Smith, J. A.,
Baldi,	Gerard,	Merrell,	Smith, W. G.,
Barber,	Gillette,	Moomaw,	Snyder, F. E.,
Barnhardt,	Green,	Mooney,	Snyder, J. L.,
Bernhard,	Greenstein,	Moore,	Spangler,
Blumberg,	Habbyshaw,	Moran,	Sproul,
Boose,	Haberlen,	Moul,	Stank,
Boyd, R.,	Hagerty,	Muir,	Stevens,
Boyer,	Haluska,	Munley,	Stewart,
Bradley,	Hamilton, F. P.,	Murrin,	Stockham,
Brancato,	Hamilton, R. S.,	Nagel,	Stone,
Brennan,	Harkins,	Nothnagle,	Stott,
Brown, H. S.,	Harmuth,	O'Keefe,	Sumney,
Brown, J. E.,	Hart,	Ominsky,	Surface,
Brownfield,	Hartman,	O'Neill,	Tahl,
Brumbaugh,	Hefferon,	Panton,	Terry,
Burke,	Hermansen,	Parks,	Tronzo,
Cannon,	Hetrick,	Patterson, C.,	Trout,
Caputo,	Hindman,	Patterson, J. W.,	Tumelty,
Carr,	Hirsch,	Pearson,	Turner,
Carson,	Hoffner,	Perry,	VanAllsburg,
Castor,	Holland,	Peters,	VanSickle,
Chervenak,	Holstrom,	Pfaff,	Walker,
Coakley,	Hoopes,	Phillips,	Wall,
Cochran,	Horst,	Piole,	Wasserman,
Cohen,	Jackson,	Powers,	Weidemann,
Coleman,	Jones,	Reising,	Weiss,
Condon,	Kane,	Reynolds,	Welliver,
Conner,	Kelder,	Rhys,	Welsh,
Coolahan,	Kelso,	Rinn,	Westrick,
Cordier,	Kilroy,	Roan,	White,
Davies,	Kinney,	Robinson,	Wickersham,
Decker,	Klingler,	Rooney,	Winner,
Denning,	Kobelak,	Root,	Witkin,
Dent,	LaRue,	Ruffennach,	Wood,
Diehl,	Linderman,	Ruth,	Woodside,
Dilley,	Long,	Sarraf,	Yeakel,
Downey, G. E.,	Longaker,	Scanlon,	Yourishin,
Downey, J. J.,	Lovett,	Schrock,	Zappala,
Duffort,	Lynch,	Schrope,	Zimmerman,
Eberharter,	Male,	Schwab,	Sarig,
Erce,			

NAYS—2

Schwartz, Sowers,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. KANE asked and obtained unanimous consent to call up out of order House Bill No. 2501, Printer's No. 1233 on page twenty-three of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2501, entitled:

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for boroughs cities and counties in which they reside

On the question,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 2, line 21, by striking out the word "Ten" before the word cents and inserting in lieu thereof the word "Twenty"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Fisheries will meet tomorrow at 10:00 A. M. in room 521.

The Committee on Insurance will hold a public hearing on Senate Bill No. 55 tomorrow at 10:00 A. M. in room 323.

The Committee on Judiciary General will meet tomorrow at 10:00 A. M. in room 325.

The Committee on Constitutional Amendments will meet tomorrow at 10:45 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

ADJOURNMENT

Mr. DAVIES. I move that this House do now adjourn until 11:00 A. M.

The motion was agreed to and (at 12:48 A. M.) the House adjourned until Tuesday, June 18, 1935 at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, JUNE 18, 1935 No. 78

SENATE

TUESDAY, June 18, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

We thank Thee, O God, for our nation—for what she has done and has been in the past and for what she is doing and is today.

We thank Thee, O God, for Pennsylvania, the Keystone State of our great union of States—for the record she has made in by-gone days and for her present power and glory. Give us high and holy ambitions for the future.

May the patriotic deeds of our fathers be rounds of a ladder by which we shall climb to loftier heights of civic achievement. May we look upward, not downward; may we march forward, not backward.

Voices from afar call us and shadowy forms upon the mountain-top of Liberty beckons us. Help us to quickly answer their call scale the heights and clasp their hands.

May the legislative acts of this day in this place be an upward stride toward these high ideals in our State and national life. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

FAVORING SENATE BILLS NOS. 1609 AND 1610

The Chair cleared his table and laid before the Senate petitions from several organizations in the State favoring Senate Bills Nos. 1609 and 1610.

Which were referred to the Committee on Finance.

FAVORING SENATE BILL NO. 1537.

The Chair also presented petitions from a number of individuals throughout the State favoring Senate Bill No. 1537.

Which were referred to the Committee on State Government.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION.

The Chair also presented petitions from churches and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on State Government.

PROTESTING AGAINST SENATE BILL NO. 463.

The Chair also presented petition from the Cambria County Pomona Grange protesting against Senate Bill No. 463.

Which was referred to the Committee on Finance.

PROTESTING AGAINST SENATE BILL NO. 1366.

The Chair also presented petitions signed by hundreds of residents of the State protesting against Senate Bill No. 1366.

Which were referred to the Committee on Judiciary General.

HOUSE MESSAGES

HOUSE BIILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 557 (Senate Bill No. 1693), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museums.

Which was committed to the Committee on Appropriations.

House Bill No. 592 (Senate Bill No. 1694), entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Which was committed to the Committee on Appropriations.

House Bill No. 603 (Senate Bill No. 1695), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia.

Which was committed to the Committee on Appropriations.

House Bill No. 1121 (Senate Bill No. 1696), entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia, Pennsylvania for optometrical education.

Which was committed to the Committee on Appropriations.

House Bill No. 1150 (Senate Bill No. 1697), entitled:

An Act making an appropriation to the National Farm School at Doylestown, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1228 (Senate Bill No. 1698), entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

Which was committed to the Committee on Appropriations.

House Bill No. 1864 (Senate Bill No. 1699), entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

Which was committed to the Committee on Appropriations.

House Bill No. 2658 (Senate Bill No. 1700), entitled:

An Act providing for the regulation supervision and control of public service company holding companies and affiliated interests; requiring approval of contracts between such holding companies or affiliated interests and public service companies; subjecting such contracts to continuing supervision and control; providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies; conferring powers and imposing duties on the public service commission; conferring jurisdiction on the courts of common pleas, and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County; imposing penalties; and repealing certain provisions of an Act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), as amended, commonly known as the "Public Service Company Law."

Which was committed to the Committee on Finance.

House Bill No. 2711 (Senate Bill No. 1701), entitled:

An Act to amend section one of an act approved the twenty-fourth day of June, one thousand nine hundred and nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

Which was committed to the Committee on State Government.

House Bill No. 2743 (Senate Bill No. 1702), entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park.

Which was committed to the Committee on Appropriations.

House Bill No. 2961 (Senate Bill No. 1703), entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same, and to make a general survey of the steel industry; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 2970 (Senate Bill No. 1704), entitled:

An Act to amend the act approved the twenty-second day of November, one thousand nine hundred thirty-three (1933-1934 Special Session, Pamphlet Laws five), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax: conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties," by providing for an extension of time for payment in certain cases.

Which was committed to the Committee on Finance.

HOUSE CONCURS IN SENATE BILL NO. 350.

He also returned to the Senate, Senate Bill No. 350, entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers; providing for the payment of such excavations and making an appropriation.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1026.

He also returned to the Senate, Senate Bill No. 1026, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

with the information that the House had passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1382

He also returned to the Senate, Senate Bill No. 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 473

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," as amended, further defining the nature and kind of investments of trust funds to be made by fiduciaries.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

MEMBER OF THE MILK CONTROL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1935

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

James S. Pates, North Main Street Ext., Washington, Washington County, as a member of the Milk Control Board to serve until April 30, 1937.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governors' Office, Harrisburg, June 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CHESTER COUNTY

Miss Alice S. Wray, Downingtown.

DAUPHIN COUNTY

Worthy G. Semmel, Harrisburg.
George H. Stein, Millersburg.

NORTHUMBERLAND COUNTY

Mrs. V. R. Grauer, Shamokin.

PHILADELPHIA COUNTY

Joseph A. Lynch, Public Ledger Bldg., Philadelphia.

VENANGO COUNTY

Miss Kathryn G. Stanton, Franklin.

WARREN COUNTY

Walter R. McKown, Warren.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. HUNSICKER from the Committee on Banking reported as committed Senate Bill No. 1102 (House Bill No. 2132), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, includ the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. CLARK from the Committee on Appropriations reported as amended, Senate Bill No. 1669 (House Bill No. 1632), entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy."

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1675, (House Bill No. 2897), entitled:

An Act making appropriations to the Department of Welfare for the maintenance of certain homes.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1668, (House Bill No. 1593), entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1674, (House Bill No. 2708), entitled:

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Mr. EALY, from the Committee on County Government reported as committed, Senate Bill No. 422, (House Bill No. 439), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 910) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

Also from the Committee on County Government reported as committed, Senate Bill No. 1058 (House Bill No. 440), entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

Also from the Committee on County Government reported as committed, Senate Bill No. 1087 (House Bill No. 2052), entitled:

An Act to amend section seven hundred fifty-five of the Act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An Act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval.

Mr. MALLERY from the Committee on Municipal Government reported as committed, Senate Bill No. 1646 (House Bill No. 1687), entitled:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector.

Mr. TRAINER from the Committee on Public Health reported as amended, Senate Bill No. 929 (House Bill No. 1477), entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners prescribing the powers and duties of such commissions the county commissioners and the Secretary of Agriculture of the Commonwealth and declaring any water in which mosquito larvae breed a public nuisance and subject to abatement as such, and authorizing the imposing of the cost thereof on property owners.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1431 (House Bill No. 314), entitled:

An Act to amend Routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highway and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the content of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough or incorporated town, and requiring contracts by counties townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid Highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Mr. REED (Dauphin) from the Committee on Municipal Government reported as committed, Senate Bill No. 1685 (House Bill No. 2207), entitled:

An Act to amend clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection.

Also from the Committee on State Government reported as committed, Senate Bill No. 1648 (House Bill No. 1965), entitled:

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registrations on account of Sunday work.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1107 (House Bill No. 2177), entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act Number fourteen) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or prior revival thereof made" providing that certain mortgages shall have priority over such revived municipal claims.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 978 (House Bill No. 119), entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred fifty-one entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads

SENATE BILL NO. 155 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being in-

troduced returned to the Senate, Senate Bill No. 155, entitled:

An Act making appropriations to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1 page 1 line 4 by striking out the word "eighty" and inserting in lieu thereof the word "fifty"; also line 4 by striking out the numeral "($80,000)" and inserting in lieu thereof the numerals "($50,000)"; also page 2 by inserting the following sections after line 11:

"Section 2 In addition to the appropriation made by section one of this act the sum of twenty thousand dollars ($20,000) is hereby appropriated to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of this school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purpose made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act."

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—5

Baumer,	Kahle,	McGinnis,	Rupp,
Cavalcante,			

NAYS—34

Aron,	Harris,	Prince,	Shapiro,
Batchelor,	Harvey,	Pytko,	Sones,
Bennett,	Homsher,	Rankin,	Staudenmeier,
Buckman,	Hunsicker,	Reed,	Thompson,
Chapman,	Lenius,	(Washington)	(Centre)
Clark,	Law,	Rice,	Thompson,
Ealy,	McCreesh,	Roberts,	(Westmoreland)
Frey,	Owlett,	Rodgers,	Trainer,
Gelder,	Pierson,	Salus,	Ziesenheim,
Graff,			

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BIILL NO. 173 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 173, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downington, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by striking out after the word "making" the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1, page 1, line 4 by striking out the words "seventy-five" and inserting in lieu thereof the word "sixty"; also line 4 by striking out the numerals "($75,000)" and inserting in lieu thereof the numerals "($60,000)"; also page 1 by inserting the following sections after line 10:

"Section 2 In addition to the appropriation made by section one of this act the sum of nineteen thousand nine hundred eighty-five dollars and thirty-one cents ($19,985.31) is hereby appropriated to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of this school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purpose made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Downingtown Industrial and Agricultural School out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—7

Huffman,	McGinnis,	Reed,	Rodgers,
Kahle,	Rankin,	(Washington)	Rupp,

NAYS—28

Aron,	Frey,	Hunsicker,	Sones,
Batchelor,	Gelder,	Owlett,	Sordoni,
Baumer,	Graff,	Pierson,	Staudenmeier,
Bennett,	Harris,	Prince,	Thompson,
Buckman,	Harvey,	Pytko,	(Centre)
Chapman,	Homsher,	Salus.	Thompson,
Coyne,	Howell,	Shapiro,	(Westmoreland)
Ealy,			

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 363 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 363 entitled:

An Act making appropriations to the Pennsylvania Museum and School of Industrial Art, Phiadelphia

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested

Mr. BUCKMAN. Mr. President, I move that that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1 inserting the following sections after line 9:

"Section 2 in addition to the appropriation made by Section one of this act the sum of thirty-three thousand seven hundred fifty dollars ($33,750) is hereby appropriated to the Pennsylvania Museum and School of Industrial Art Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of and the purchase of apparatus supplies and equipment for the Pennsylvania Museum and School of Industrial Art during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to the Pennsylvania Museum and School of Industrial Art by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund."

"Any law to the contrary notwithstanding amounts payable to the Pennsylvania Museum and School of Industrial Art out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act."

"Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 299 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 299 entitled:

An Act making appropriations to the Department of Welfare to pay for the care, treatment, removal and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also page 3 by adding the following sections after line 8:

"Section 3 In addition to the appropriation made by Section one of this act the sum of thirty-seven thousand five hundred dollars ($37,500) is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the care treatment removal and maintenance of the indigent insane at the Dixmont Hospital at Dixmont Allegheny County at a rate not exceeding three dollars ($3) per week for the care treatment and maintenance of each indigent patient in the hospital and which were not paid out of the appropriations made for these purposes by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund"

"Any law to the contrary notwithstanding amounts payable out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take procedence over pay-

ments from the appropriation made by Section one of this act"

"Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 963 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 963, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. McCREESH. Mr. President, I second the motion

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also page 1 by adding the following sections after line 12:

Section 2 In addition to the appropriation made by section one of this act the sum of seven hundred forty-two thousand five hundred dollars ($742,500) is hereby appropriated to the trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the maintenance of the University and the purchase of apparatus and equipment for such University during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation made to such trustees for this purpose by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the trustees of the University of Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund shall permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—1

Prince,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 295 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 295, entitled:

An Act making appropriations to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations" also section 1 page 1 line 4 by striking out the word "two" and inserting in lieu thereof the word "one"; also line 4 by striking out the numerals "($200,000)" and inserting in lieu thereof the numerals

"($100,000)"; also page 1 by adding the following sections after line 10:

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thirty-five thousand four hundred seventy-five dollars fourteen cents ($135,475.14) is hereby appropriated to the Jefferson Medical College of Philadelphia for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such college for the support and promotion of medical education during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such college by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the Jefferson Medical College of Philadelphia out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments for this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—48

Aron,	Graff,	McGinnis,	Owlett,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Pierson,	Salus,
Bean,	Homsher,	Prince,	Shapiro,
Bennett,	Howell,	Pytko,	Sones,
Buckman,	Huffman,	Rankin,	Sordoni,
Cavalcante,	Hunsicker,	Reed,	Staudenmeier,
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Washington)	Thompson,
Ealy,	Mallery,	Rice,	(Westmoreland)
Frey,	McClure,	Roberts,	Trainer,
Gelder,	McCreesh,	Rodgers,	Ziesenheim,

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 665 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 665, entitled:

A Further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making appropriations for carrying the same into effect.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the constitution of the amendments made by the House of Representatives to the foregoing bill.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows amend the title page 1, line 6, by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriation"; also page 3 by inserting the following sections after line 2:

Section 2 In addition to the appropriation made by section one of this act the sum of one million five hundred twenty-nine thousand nine hundred twelve dollars and ninety-five cents ($1,529,912.95) is hereby appropriated to the trustees of The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the maintenance of such institution during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such trustees by the General Assembly for such fiscal period because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the aforesaid trustees out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Owlett,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Pierson,	Salus,
Bean,	Homsher,	Prince,	Shapiro,
Bennett,	Howell,	Pytko,	Sones,
Buckman,	Huffman,	Rankin,	Sordoni,
Cavalcante,	Hunsicker,	Reed,	Staudenmeier,
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Washington)	Thompson,
Ealy,	Mallery,	Rice,	(Westmoreland)
Frey,	McClure,	Roberts,	Trainer,
Gelder,	McCreesh,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRING IN HOUSE AMENDMENTS RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1086, (House Bill No. 2050), entitled:

An Act to amend the act by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocation made with the consent of the county and also for the construction of sidewalks.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend title page 1, line 1, by striking out after the word "act" the following: "entitled An Act to amend the Act"; also line 12 of title by striking out after the word "amended" the following: "extending the provisions of said Act to highways in cities as amended" and inserting in lieu thereof the following: "by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocation made with the consent of the county and also for the construction of sidewalks".

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1088, (House Bill No. 2053), entitled:

An Act to amend routes numbers six hundred and thirty-nine and seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth".

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows: amend the title, page 1, line 1, by striking out the word "route" and inserting in lieu thereof the following "routes numbers six hundred thirty-nine and"; also section 1, page 1, line 4, by striking out the word "route" and inserting in lieu thereof the following: "routes numbers six hundred thirty-nine and"; also page 2, line 1, by striking out the word "is" and inserting in lieu thereof the word "are"; also by inserting in lieu thereof the word "are"; also by inserting the following paragraph after line 5 on page 2:

Route number six hundred thirty-nine Starting at the westerly end of the ramps connecting Ardmore Boulevard in Chalfant and North Braddock Boroughs with Route 120 in Allegheny County thence easterly through the Boroughs of Chalfant North Braddock East Pittsburgh Turtle Creek Wilmerding Pitcairn and Patton Township to a point on the dividing line between Allegheny and Westmoreland Counties in the Borough of Trafford thence in an easterly direction by way of Harrison City and Jeannette to the City of Greensburg

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1219, (House Bill No. 2380), entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend section 1 page 1 line 11 by striking out the preposition "to" and inserting in lieu thereof the conjunction "or".

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1220, (House Bill No. 2485), entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways in townships or boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows: amend title page 1 line 5 by crossing out after the syllable "ways" the following: "or continuations thereof in" and inserting in lieu thereof the following: "in townships or"; also line 7 of the title by adding after the preposition "with" the word "townships".

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 19, entitled:

An Act to amend sections two four five eight eleven twelve seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for [illegible] minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such cerificates.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend section 4, page 14, by striking out all of lines 13 and 14 and inserting in lieu thereof the following "immediately upon its final enactment."

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Mr. THOMPSON (Centre). Mr. President, in view of the confusion connected with this roll call. I ask that the roll be verified.

This roll was verified and was as follows:

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Baumer,	Law,	Rankin,	Rupp,
Cavalcante,	McCreesh,	Reed,	Shapiro,
Frey,	McGinnis,	(Washington)	Staudenmeier,
Harris,	Miller,	Rice,	Thompson,
Huffman,	Prince,	Roberts,	(Centre)
Kahle,	Pytko,	Rodgers,	Woodward,
Lanius,			

NAYS—26

Aron,	Coyne,	Hunsicker,	Salus,
Batchelor,	Ealy,	Mallery,	Sones,
Bean,	Gelder,	McClure,	Sordoni,
Bennett,	Graff,	Owlett,	Thompson,
Buckman,	Harvey,	Pierson,	(Westmoreland)
Chapman,	Homsher,	Reed,	Trainer,
Clark,	Howell,	(Dauphin)	Ziesenheim,

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President and members of the Senate, last night and also this morning, when many of the Senators were asleep and more probably groggy, we discussed to some extent a bill we call the Deputy

Sheriff Bill. During the discussion we sought to point out just what this bill was aimed at; we tried to point out that for a long time it has been the habit of sheriffs in this Commonwealth, at the instance of industrial corporations, to appoint deputies for the protection of their properties. As to the compensation of those deputies the practice has been to pay the sheriff for the use of those deputies. We pointed out this morning where in one case a sheriff of this Commonwealth was receiving an amount for each deputy considerably in excess of the amount that he would pay his deputies, a pure and simple case of what we call grafting; and the industrial company that paid him the money, with that knowledge, was guilty of bribing the sheriff.

The Deputy Sheriff Bill that we discussed this morning was a Deputy Sheriff Bill to eliminate that practice. The Deputy Sheriff Bill that we sent back to committee was to permit the sheriff to appoint the deputies for the protection of industrial companies, but the companies would have to pay the county and the county pay the sheriffs, so as to eliminate the grafting and bribing of our sheriffs throughout this Commonwealth.

When that bill was called up for second reading there was a motion made that the bill should be recommitted to committee for the purpose of amendment. I am now informed positively by the chairman of that committee that that bill was sent back to committee and was indefinitely postponed, which means "picking"—in our Senatorial language. There is no question of where the bill is now, and what its fate is in this session.

In this particular case there are certain individuals who come from counties where the situation is altogether different from the situation that faces the western part of this State, where the coal companies select the men and bring them to the sheriff, who deputizes them, and then they go out to defend the companies' properties. They take orders from the companies, and the companies pay these deputies as they pay any other employees.

Now, in some other counties that is not true, and I understand, and the talk has been going around this Senate floor, that Labor is opposed to this bill. Labor is not opposed to this bill; it is the bill that Labor has been fighting for for a long time. They wanted that bill out instead of the old Coal and Iron Police Bill, which did not at that time affect anybody; it had been dormant for many years. But this situation that we are facing today, this open door to corruption and bribery of our sheriffs throughout this Commonwealth, is a serious matter; and, as I pointed out this morning, the reports of the State of Pennsylvania will show that was sent to jail for doing that very thing, and I cannot understand how any man with common sense could be opposed to abolishing a system involving, or closing the door to, this kind of practice.

Now, Mr. President, since we know the status of this bill at this time, since we know that it has been indefinitely postponed, I am about to move for the discharge of that committee from further consideration of that bill; and I challenge the statement of any member of this Senate that a vote against the discharge of the committee is not a vote against the elimination of the practice which I have illustrated.

MOTION TO DISCHARGE COMMITTEE

At this time, Mr. President, I move that the Committee on Labor and Industry be discharged from the further consideration of Senate Bill No. 338 (House Bill No. 354), and that said bill be reported to the floor of the Senate for constitutional consideration.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, may I further make this statement: That the bill which was sent back to committee was drawn up at the instance and suggestion of the chairman of that committee otherwise I would not have drawn the bill up. And before the bill was introduced in this Senate it was shown to members of that committee, who approved the bill; and then the chairman of the committee, last week, in the bustle that we had, left the Senate session without taking action on that bill, and we have to contact him in the city of Philadelphia as to whether or not we could report the bill out, with the understanding that we would give them a chance to look the bill over on second reading. The Senator from Dauphin, Mr. Reed, had that understanding—that after second reading we would send it back so that they could make much more advantageous the kind of bill they wanted.

Mr. WOODWARD. Mr. President, I would like to inform the Senator from Fayette, Mr. Cavalcante, that I voted for indefinite postponement of this bill because I was informed that the Senator from Fayette had agreed to offer certain amendments to the bill, and that he had not made his promise good; and I thought if he was so little interested in it, in keeping his obligation, I was free to vote against the bill.

Mr. CAVALCANTE. Mr. President, in view of the fact that I have already made statements several times on the floor of this Senate that I keep my promises, I would like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, yes sir.

Mr. CAVALCANTE. Mr. President, I would like to know to whom I made a promise to amend the bill.

Mr. WOODWARD. Mr. President, to the chairman of the committee.

Mr. CAVALCANTE. Mr. President, the chairman of the committee is present and I wish to interrogate him,—the Senator from Philadelphia, Mr. Hunsicker.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Hunsicker, permit himself to be interrogated?

Mr. HUNSICKER. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to know if I at any time made a promise to the chairman of the committee to amend the bill.

Mr. HUNSICKER. Mr. President, the Senator from Fayette, Mr. Cavalcante, did not.

Mr. CAVALCANTE. Mr. President, I thank the Senator from Philadelphia, Mr. Hunsicker.

Mr. HUNSICKER. Mr. President, I would like to make just one statement: This bill was drawn under an agreement with the Senator from Fayette, Mr. Cavalcante. I did leave the Senate on Wednesday evening. I was called up in Philadelphia and I made the statement to the gentleman who called me up, the Senator from Dauphin, Mr. Reed, that if the bill was as we had agreed to draw it up it should be reported out. When I came back to

the Senate on Monday the bill was not drawn up in the form in which it was agreed to be drawn up, so that my objection to the bill was that—there was a misunderstanding between the Senator from Fayette, Mr. Cavalcante, and myself, and it was not drawn up in the form in which I understood it was to have been presented.

Mr. HUFFMAN. Mr. President, I have not any qualms to the discharging of committee, but there is some mystery about this bill that I do not understand. Last night the Senator from Fayette, Mr. Cavalcante, made the motion—or, at least, he made a second to the motion to recommit this bill; and we are informed that the Pennsylvania Federation of Labor is not for this bill, and I do not think there is any higher authority trying to support labor bills than the Pennsylvania Federation of Labor, and since they are not for the bill I will be compelled to vote against the discharge of the committee.

Mr. THOMPSON (Westmoreland). Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. THOMPSON (Westmoreland). Mr. President, I understand this bill does not abolish deputy sheriffs in the manner in which they have been used in industrial plants.

Mr. CAVALCANTE. Mr. President, it does not; it still permits the sheriff to appoint the deputies, and rightly so. As much as I have championed the cause of labor, as much as I have fought in their behalf, I still think that the sheriff should have the power to deputize for the protection of property; and the only thing that this bill does is, it changes the mode of appointment: instead of the company paying the sheriff, or paying the deputy directly, the bill requires that the company should pay the county and the county pay the deputy.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, the Senator from Fayette, Mr. Cavalcante, made the statement that labor was in favor of this bill. The Senator from Monroe, Mr. Huffman, made the statement that labor was not in favor of this bill. I am interested in those things that labor is interested in; I would like to know which of those two statements is the correct statement of the fact.

Mr. CAVALCANTE. Mr. President, I could answer that question with some degree of intelligence if I only knew who the individuals are that represent themselves as labor.

Mr. SHAPIRO. Mr. Prsident, that is what I want to know too; and it is pretty nearly time we found out; and I would like the gentleman to answer.

Mr. CAVALCANTE. Mr. President, I cannot answer it except as to the laboring people of my county; I can answer for them readily, and I can say that they are for it.

Mr. SHAPIRO. Mr. President, there are a number of people on the Welfare Federation Program who call themselves laborers. I do not know who the laboring people of Fayette County are. And I also should like to state, first of all, that there is in the Republican platform a provision that deputy sheriffs should be abolished. I now learn to my amazement that this bill does not abolish deputy sheriffs, but, as a matter of fact, it permits, by a subterfuge, the same system to continue to which these people have been objecting so much; and inasmuch as that is the situation in the bill, it interests me, especially as the Senator from Fayette County last night moved to refer this bill back to committee. I see no reason at this time for the discharge of a committee which is discharging its duties according to the wishes he expressed last night, and where we are called upon now to act upon a bill which it is not anywhere indicated that labor is in favor of it, a bill that does not accomplish the purpose that they said they do want to accomplish. I think it is time we put a stop to it.

I am of the opinion, and have grown to believe, that these public questions, which are really matters that the whole public are interested in, should be taken up on the floor; and everybody should be given an opportunity to express his opinion on this bill. The fact that I might have voted to discharge the committee would not indicate that I would be inclined to vote for the bill; and I certainly do not think we should be asked to discharge a committee which has performed its duty in the way in which the Senator from Fayette, Mr. Cavalcante, said he was in favor of last night.

Mr. REED (Dauphin). Mr. President, I do not intend to discuss the merits of this motion, but, inasmuch as my name has been referred to in these proceedings, I think it is only fair for me to say that the Senator from Philadelphia, Mr. Hunsicker, and the Senator from Fayette, Mr. Cavalcante, in my opinion have in every particular kept their agreements.

There was an understanding in the Committee on Labor and Industry that Senator Cavalcante would introduce a bill, and that it would have consideration. Senator Hunsicker, as he explained, left the city on account of an important engagement, and because of that fact I telephoned him and received his permission to report out this bill. It was reported out by me, with the understanding with the Senator from Fayette, Mr. Cavalcante, that because the committee had not considered the bill, it would be recommitted after second reading. That engagement was carried out to the letter, and at a largely attended meeting of the committee the bill was indefinitely postponed.

I want simply to make this explanation because I do not feel that there should be any imputation made by anyone that this matter was not considered entirely as was agreed upon by all the parties.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Cavalcante and Mr. Thompson (Centre), and were as follows, viz:

YEAS—9

Cavalcante,	McCreesh,	Pytko,	Thompson,
Kahle,	McGinnis,	Reed,	(Centre)
Law,	Miller,	(Washington)	

NAYS—39

Aron,	Graff,	Owlett,	Salus,
Batchelor,	Harris,	Pierson,	Shapiro,
Baumer,	Harvey,	Prince,	Sones,
Bean,	Homsher,	Rankin,	Sordoni,
Buckman,	Howell,	Reed,	Staudenmeier,
Chapman,	Huffman,	(Dauphin)	Thompson,
Clark,	Hunsicker,	Rice,	(Westmoreland)
Coyne,	Lanius,	Roberts,	Trainer,
Ealy,	Mallery,	Rodgers,	Woodward,

Frey, McClure, Rupp, Ziesenheim,
Gelder,

So the question was determined in the negative.

INVESTIGATION OF GOVERNOR'S REMARKS TO SENATE FINANCE COMMITTEE RELATIVE TO BILL TO TAX CHAIN STORES

Mr. McCLURE. Mr. President, I desire to call up at this time for consideration, the resolution which I presented on June 12th.

The resolution was read as follows:

In the Senate, June 12, 1935.

Whereas, During a visit paid by the Members of the Finance Committee of the Senate of Pennsylvania to Governor George H. Earle at his office in the State Capitol, Tuesday, June 11, the Governor in a discussion of tax bills suggested an investigation into what he termed 'ugly rumors" concerning the attitude of Senators upon pending legislation known as the bill to tax chain stores, and

Whereas, The remarks of Governor George H. Earle have been given great prominence in the newspapers of Pennsylvania today and constitute a reflection upon members of this body, making it imperative that the facts upon which any such statement as made by Governor George H. Earle should be made known to the Senate, now therefore be it

Resolved, That the Senate of Pennsylvania hereby respectfully requests Governor Earle to submit to the Senate in writing any information he may possess as a foundation for the remarks made by him at his conference with Members of the Finance Committee of the Senate of Pennsylvania on Tuesday, June 11.

The PRESIDENT. The Chair desires to point out the parliamentary status of this resolution: When it was first presented it was referred to a committee and at the request of one of the Senators it was laid on the table, in order to prepare amendments. The resolution is not really properly before the Senate, unless by unanimous consent. It has not been referred to a committee, but was laid on the table and it is now called up.

Mr. McCLURE. Mr. President, I ask unanimous consent that Rule 39 which requires that resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. THOMPSON (Centre). Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. BUCKMAN. Mr. President, I move that the resolution under consideration be referred by the Chair to an appropriate committee.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ROBERTS. Mr. President, when the resolution was originally offered I stated to the Chair that I had an amendment that I desired to offer to the resolution.

The PRESIDENT. Objection was made to the immediate consideration and under the rules the resolution will have to be referred to committee. The Chair refers the resolution to the Committee on Judiciary Special.

REPORTS FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1099 (House Bill No. 2113), entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Public Health reported as committed, Senate Bill No. 1497 (House Bill No. 2397), entitled:

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

WORKMEN'S COMPENSATION REFEREE

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for advice and consent of the Senate, the following appointment:

T. F. Hanahue of Scranton, Lackawanna County, as Workmen's Compensation Referee vice John C. Lesniak, whose term expired.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)

Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 22

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of the report of the Committee of Conference on Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties of bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registars of vital statistics and boards of school directors and imposing penalties

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The Report will be printed and noted on the calendar.

BILL ON THIRD READING

Mr. HOWELL. Mr. President, I desire to call up at this time Senate Bill No. 1537 (House Bill o. 1703), on third reading, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchesral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1537, (House Bill No. 1703), as follows:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons and conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town or township of this Commonwealth

Motion Picture Exhibitions Defined The words "motion picture exhibitions" as used in this act shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings together with any orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection therewith or incidental thereto

"Two O'clock Post Meridian" Defined The words "two o'clock post meridian" as used in this act shall be construed to mean "two" o'clock post meridian eastern standard time except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive when such words shall be construed to mean two o'clock post meridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period

Section 2 Penalty for Unlawful Motion Picture Exhibitions on Sunday It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibition regardless of whether a charge of admission is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday before the hour of "two" o'clock post meridian

It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided and in no case shall a person be employed as a projectionist of operator of motion pictures on Sunday or in or about motion picture exhibitions unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days

Any person co-partnership association or corporation violating any of the provisions of this Section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine Fifty Dollars ($50.00) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any co-partnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten (10) days

Section 3 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five (195) there shall be submitted in the manner provided by the election laws of the Commonwealth upon petition to the county commissioners By the city or borough council or by the township commissioners or supervisors or upon petition to County Commissioners by electors equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general election a question to determine the will of the electors of each municipality in this Commonwealth so petitioning with respect to motion picture exhibitions Such question shall be in the following form

Do you favor the conducting staging operating and exhibiting of motion pictures regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage operate or exhibit the same after two o'clock post meridian on Sunday	YES NO

The said question shall be printed in separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of each municipality so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the acting chief executive officer of each municipality affected

If at the election in the year one thousand nine hundred and thirty-five (1935) where any such election was held as herein provided a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock post meridian then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in this section it shall hereafter be lawful to conduct stage manage operate or engage in motion picture exhibitions from and after the hours of two o'clock post meridian on Sunday

The right to conduct stage manage operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday

If the vote of the electors in the municipality was not in favor of motion picture exhibitions or if no such election was held then it shall be unlawful to conduct stage manage operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental after two o'clock post meridian on Sunday

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in Section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitoners equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which are motion picture exhibitions permitted from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in Section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock post meridian on Sunday or which has not theretofore voted on such question are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in Section 4 of this act such exhibitions shall thereafter be lawful

Section 6 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto after two o'clock post meridian on Sunday may be ascertained

Section 7 It shall be unlawful at any motion picture exhibition conducted or operated under the provisions of this act to provide for any form of entertainment except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto and any person or any member or agent of any co-partnership or association or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion picture exhibitions shall be guilty of a misdemeanor and in the proper court shall be punished by a fine of One Hundred ($100.00) Each Sunday's providing furnishing conducting staging managing operating or engaging in furnishing any form of entertainment forbidden under this act shall constitute a separate offense hereunder

Section 8 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits motion picture exhibitions and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto All acts and parts of acts inconsistent herewith be and the same are hereby repealed

Section 10 Effective Date This act shall be effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. TRAINER. Mr. President, I ask unanimous concent to amend title, page 1, line 11 of title, by striking out the word "municipality" and inserting in lieu thereof: "county": amend Section 1 page 2 line 6, by striking out the words "city, borough, town or township" and inserting in lieu thereof county": amend Sec. 3, page 4, line 3, by striking out the words "upon petition to" and inserting in lieu thereof: "at the option of"; amend Sec. 3, page 4, lines 4 and 5, by striking out the words "of the city or borough council or of the township commissioners or supervisors"; amend Sec. 4, page 5, line 11, by striking out the words "by municipalities"; amend Sec. 4, page 5, lines 12 and 13, by striking out the words "acting chief executive officer of each municipality within the"; amend Sec. 4, page 5,

line 13, by inserting after the word "county" the following: "commissioners"; amend Sec. 4, page 5, line 15, by inserting after the figures "(1935)" the following: "where any such election is held"; amend Sec. 4, page 5, lines 19 and 20, by striking out the words "acting chief executive officer of such municipality" and inserting in lieu thereof: "county commissioners"; amend Sec. 4, page 6, line 1, by inserting after the word "exhibitions" the following: "or if no election was held"; amend Sec. 5, page 6, line 18, by striking out the words "corporate authorities" and inserting in lieu thereof: "county commissioners"; amend Sec. 5, page 6, lines 21 and 22, by striking out the words "it shall thereupon be certified to"; amend Sec. 5, page 6, line 22, by striking out the word "who"; amend Sec. 5, page 7, lines 2 and 3, by striking out the words "acting chief executive officer of such municipality" and inserting in lieu thereof: "county commissioners"; amend Sec. 5, page 7, line 9, by inserting after the word "Sunday" the following: "or which had not voted on such question"; amend Sec. 5, page 7, lines 11 and 12, by striking out the words "acting chief executive officer of such municipality" and inserting in lieu thereof: "county commissioners"

The PRESIDENT. Is there objection?

Mr. ARON. Mr. President, I object to them at this time.

The PRESIDENT. The Chair hears objection.

On the question,

Will the Senate agree to the bill on third reading?

Mr. TRAINER. Mr. President, I move to reconsider the vote by which the bill passed second reading.

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The motion was not agreed to?

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Trainer.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Trainer, permit himself to be interrogated?

Mr. TRAINER. Mr. President, I will. .

Mr. SHAPIRO. Mr. President, as I listened to those amendments I understood that the effect would be to put the election over to the county instead of each individual municipality, each individual district; is that correct? In other words, if the county voted on it, it would control the subdivisions of the county. That is correct, is it not?

Mr. TRAINER. Mr. President, yes.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Aron,	Howell,	Owlett,	Shapiro,
Baumer,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Law,	Roberts,	Thompson,
Coyne,	McClure,	Rodgers,	(Centre)
Frey,	McCreesh,	Rupp,	Trainer,
Harris,	McGinnis,	Salus,	Ziesenheim,
Harvey,	Miller,		

NAYS—20

Batchelor,	Gelder,	Pierson,	Rice,
Bean,	Graff,	Prince,	Sones,
Bennett,	Homsher,	Reed,	Thompson,
Buckman,	Kahle,	(Dauphin)	(Westmoreland)
Clark,	Lanius,	Reed,	Woodward,
Ealy,	Mallery,	(Washington)	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). Mr. President, since the 19th day of March there has been in the Committee on Judicial Special House Bill No. 1307. The committee has considered this bill and has acted to indefinitely postpone the same. This bill is the bill calculated to prevent unfair practices by employers toward employes, and to guarantee to employes the right of collective bargaining without interference by their employers, and to prohibit dictation to such employes as to the representatives who should represent them in negotiations with the employers.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 652 (HOUSE BILL NO. 1307)

Inasmuch as no action can be had upon this bill now by the committee, I therefore move you, Mr. President, that the Committee on Judiciary Special be discharged from further consideration of Senate Bill No. 652 (House Bill No. 1307), so that the same may be reported to this Senate floor for constitutional consideration by the members of this body; and I ask for a roll call on the motion.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. CAVALCANTE, and were as follows, viz:

YEAS—20

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Shapiro,
Frey,	McCreesh,	(Washington)	Thompson,
Harris,	McGinnis,	Rice,	(Centre)
Huffman,	Miller,	Roberts,	Trainer,
Kahle,	Pytko,		

NAYS—29

Aron,	Ealy,	McClure,	Sones,
Batchelor,	Gelder,	Owlett,	Sordoni,
Bean,	Graff,	Pierson,	Staudenmeier,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Reed,	(Westmoreland)
Chapman,	Howell,	(Dauphin)	Woodward,
Clark,	Hunsicker,	Rupp,	Ziesenheim,
Coyne,	Mallery,	Salus,	

So the question was determined in the negative.

Mr. CAVALCANTE. I introduced a motion to discharge the Committee on Judiciary General from further consideration of the Anti-Injunction Bill that we are all familiar with, and up to this time the chairman of that committee informs us that no one had asked him to act on the bill, up to the time that I made my motion. In the discussion of the motion it was noted that a meeting of the committee would be had on Monday night,—that was

yesterday—and that some action would be taken. I understand that the action has been taken, but nobody seems to know just what is the status of that bill at the present time.

Mr. President, I wish to interrogate the chairman of that committee, the Senator from Bucks, Mr. Buckman, if he would be so kind as to yield.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I shall be glad to do so.

Mr. CAVALCANTE. Mr. President, what is the action on the Anti-Injunction Bill.

Mr. BUCKMAN. Mr. President, the so-called anti-injunction bill was called up in committee meeting, held yesterday afternoon at about half past five; and was, on motion of the committee referred to a sub-committee of three for the purpose of studying the bill, comparing it with the national act, and so forth, and to report back to the main committee after they had performed that duty.

Mr. CAVALCANTE. Mr. President, do I understand that the sub-committee has not yet reported, up to this time?

Mr. BUCKMAN. Mr. President, that is correct.

Mr. CAVALCANTE. Mr. President, is there any indication as to when the sub-committee might report?

Mr. BUCKMAN. Mr. President, I am not a mind reader; I do not know what is in their minds.

Mr. CAVALCANTE. Mr. President, would it be disclosing confidential information of the committee to give us the names of those on the sub-committee?

Mr. BUCKMAN. Mr. President, I consider that it would be against the rules of this Senate to do so.

Mr. CAVALCANTE. Mr. President, does the Senator from Bucks, Mr. Buckman, know whether the sub-committee has met to consider the bill.

Mr. BUCKMAN. Mr. President, I have no knowledge; I am not their keepers and not with them continuously.

Mr. CAVALCANTE. Mr. President, with that very valuable information I, at this time, move —

Mr. SHAPIRO. Mr. President, will the Senator from Fayette, Mr. Cavalcante, yield?

The PRESIDENT. For what purpose?

Mr. SHAPIRO. Mr. President, to give information to the gentleman.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, yield to the Senator from Philadelphia, Mr. Shapiro?

Mr. CAVALCANTE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, this altercation has so far upset me that I have almost forgotten what I intended to say. I have, first, no information that the commitee has met—the sub-committee, or that the sub-committee is prepared to report back to the main committee. I see no reason for any motion at this time to discharge the committee. They ought to be given time at any rate.

Mr. CAVALCANTE. Mr. President, I always take the kind suggestions of the Senator from Philadelphia, Mr. Shapiro. Last night, or, rather, this morning, we took up another bill, and the gentleman from Dauphin, Senator Reed, who was interested in the bill, made a motion to refer it back to committee. On a point of inquiry from him the record should now show that the Senator stated that the bill was recommitted for the purpose of amendment: and, Mr. President, I was reliably informed at that time that in the desks of a few members of this Senate repose amendments drawn up to be made to that bill, and I understand the committee met this morning and all amendments are rejected, and the bill has been—a vote was taken and the bill indefinitely postponed.

Now, I say that practice of that kind fully confirms the name of this body as a slaughter house of all useful legislation; and their action in doing that is absolutely consistent with that reputation. But I feel that I am not ready to be branded as one of those who will go along with a practice of that kind, and I am also sure that there are other members of this body who deprecate a reputation of that kind; and for that reason.

MOTION TO DISCHARGE COMMITTEE

Mr. President, I now move that the Committee on Judiciary Special now be discharged from further consideration of Senate Bill No. 693 (House Bill No. 132), so that the same may be returned to the Senate floor for third reading and constitutional consideration by members of this body. This bill is the Miners' Certificate Bill.

Mr. McCREESH. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, I demand a roll call.

On the question,

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President, last night, upon my motion, this bill was recommitted to the committee for the purpose of amendment. Various amendments were submitted and were considered, and the committee did indefinitely postpone the bill. I do, however, object, and object most seriously to the statement of the Senator from Fayette, Mr. Cavalcante, intimating that this Senate is acting as a slaughter house on social legislation. If that means that every bill which is introduced is bound to come to the floor of this Senate for a vote, then that statement is correct; but the records of this Senate show that a vast amount of legislation of this character has been reported from committees and has been considered in the Senate. And I might also add that it might be inferred from the action which the House of Representatives is taking that when we do present social legislation it is emasculated in such a way as to make it unreasonable and impossible and often times unconstitutional.

I say, therefore, that I do resent the statement that the Senate is being used as a slaughter house. I believe, Mr. President, that each and every member of this Senate is entitled to use his individual judgment as to the merits of legislation. I do not believe, Mr. President, that committees of this Senate can be or should be stampeded under attacks of that kind. I am here to say that this bill was fairly considered by the Committee on Judiciary Special, and the fact that it is indefinitely postponed represents a majority sentiment of that committee; and under that belief I ask this Senate to vote down this motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. McCREESH and were as follows, viz:

YEAS—21

Baumer,	Lanius,	Rankin,	Shapiro,
Cavalcante,	Law,	Reed,	Staudenmeier,
Frey,	McCreesh,	(Washington)	Thompson,
Harris,	McGinnis,	Rice,	(Centre)

Huffman,	Miller,	Roberts,	Trainer,
Kahle,	Pytko,	Rodgers,	

NAYS—27

Aron,	Ealy,	Mallery,	Rupp,
Batchelor,	Gelder,	McClure,	Sones,
Bean,	Graff,	Owlett,	Sordoni,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,			

So the question was determined in the negative.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 1159 (HOUSE BILL NO. 1199)

Mr. HUFFMAN. Mr. President, the Democratic Party, as the Republican Party last year, promised that there would be a revision of the Workmen's Compensation Law, a reasonable revision.

Therefore, Mr. President, I move for the discharge of the Committee on Labor and Industry from further consideration of Senate Bill No. 1159 (House Bill No. 1199), and that the same be reported to the floor of this Senate for constitutional consideration.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. CAVALCANTE, and were as follows, viz:

YEAS—21

Baumer,	Lanius,	Rankin,	Rupp,
Cavalcante,	Law,	Reed,	Shapiro,
Frey,	McCreesh,	(Washington)	Thompson,
Harris,	McGinnis,	Rice,	(Centre)
Huffman,	Miller,	Roberts,	Trainer,
Kahle,	Pytko,	Rodgers,	

NAYS—27

Aron,	Ealy,	Mallery,	Sones,
Batchelor,	Gelder,	McClure,	Sordoni,
Bean,	Graff,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,			

So the question was determined in the negative.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 320 (HOUSE BILL NO. 443)

Mr. FREY. Mr. President, on February 19th there was referred to the Committee on Labor and Industry Senate Bill No. 320 (House Bill No. 443). This is the bill known as the Minimum Wage Bill, and provides for the establishment of fair wage standards for women and minors employed in trades and industries in this Commonwealth.

I move that the Committee on Labor and Industry discharge from furher consideration Senate Bill No. 320 (House Bill No. 443) so that the same may be returned to the floor of this Senate for first reading and constitutional consideration by the members of this body.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STAUDENMEIER. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I desire to know if the Senator from Allegheny County, Mr. Frey, read, on page 3 of Senate Bill No. 39, Printer's No. 643, what it says thereon.

Mr. FREY. Mr. President, I did.

Mr. STAUDENMEIER. Mr. President, after reading the bill will the Senator kindly state for the benefit of the Senate whether or not the provisions of Senate Bill No. 39 (Printer's No. 643) are identical with, or similar to, the provisions of the Brancato Bill which he has now mentioned

Mr. FREY. No, Mr. Presdent, I did not consider them as such.

Mr. STAUDENMEIER. Mr. President, will the Senator from Allegheny County, Mr. Frey, point out any difference that exists between the so-called Salus Bill and the Brancato Bill?

Mr. FREY. Mr. President, I understand that Senate Bill No. 39 has been amended on the age, but in view of the fact that we anticipated this bill would be voted down I insist on the motion I presented.

Mr. STAUDENMEIER. Mr. President, in view of the gentleman's statement, I sincerely hope that the members of the Senate will now display their fairness in voting down this motion—until, at least, such time as Senate Bill No. 39 (Printer's No. 643) is brought before this Senate for a vote as to whether or not the Senate will concur in the amendments placed therein by the House. I think that is the least that I, as a Senator, can ask my fellow-Senators to do.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON (Centre). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON (Centre). Mr. President, when the Senator from Schuylkill, Mr. Staudenmeier, brings up the matter of fairness in dealing with his colleagues in this Senate, I am reminded that the Senator from Schuylkill, last night, discussed with me, several times, Senate Bill No. 1307, known as the Revenue Certificate Bill, which was introduced to give the people of Pennsylvania an opportunity to take advantage of a lot of Federal Relief money or the Federal Public Works money; and the Senator from Schuylkill, Mr. Staudenmeier, when he talks about fairness, should remember that last night he took advantage of my absence from this Chamber, when I was drawing up amendments to another bill, to move to recommit Senate Bill No. 1307, when he knew I had discussed it with him, shortly before that, and he knew I wanted to voice my protest against the recommitment of that bill. When he talks about fairness I want to call his attention to what he did last night to Senate Bill No. 1307.

Mr. SHAPIRO. Mr. President, I am not going to get into the quarrel between the Senator from Centre, Mr. Thompson, and the Senator from Schuylkill, Mr. Staudenmeier, but I am going to make this statement—that I have read Senate Bill No. 30 in its present form, and I had read

the bill known as the Brancato Bill when it came over here; and what has been done in this case has been merely to take the suit of clothes of the Salus Bill and substitute the dress of the Brancato Bill; and exactly as the situation now is, we have before the Senate the Brancato Bill.

I have said before, and I repeat, I have no qualms about voting for the discharge of a committee on a bill which is a matter of public interest. This is one of those bills, but I do not think that motions to discharge committees should be made merely for the purpose of making them, whether the purpose be for political or for personal reasons, or whether it be merely for the purpose of taking up the time of the Senate to see how many times the roll can be called on the discharge of a committee.

This bill is now before us, and if I get an opportunity to vote on the bill I shall vote "no" on the Brancato Bill, because I do not believe the Brancato Bill is the proper bill for this purpose; I believe the Salus Bill is a step in the right direction. We are dealing with a matter which has never been known before in the history of industrialism in Pennsylvania; and contracting between employer and employe can be supervised by a body having nothing to do with the business. That might be a proper thing to do in these enlightened days, but when we have taken the first step, that is enough. I think his bill should be voted down because it has no purpose to it.

If the gentleman on the other side want to put the members of this Senate on record, they have the opportunity now. We will be asked to vote on the amendment, which changes the Salus Bill to the Brancato Bill, and that is as much as anybody knows.

Mr. FREY. Mr. President, I withdraw my motion.

The PRESIDENT. Does the seconder of the motion withdraw his seconding of it?

Mr. MILLER. Mr. President, I withdraw my seconding of the motion?

The PRESIDENT. The motion to discharge the Committee on Labor and Industry from further consideration of Senate Bill No. 320 (House Bill No. 443) is withdrawn with the consent of the seconder.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Mr. FREY. Mr. President, I now call up Senate Bill No. 39 (Printer's No. 643), and ask that the Senate concur in the amendments made by the House.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 39, entitled:

He also returned to the Senate, Senate Bill No. 39, entitled:

An Act for the protection of the health, safety, and welfare of women and minors in any occupation, trade or industry except domestic service in private homes newspaper boys and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards, imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend the title page 1 line 3 by inserting after the words "homes" the words "newspaper boys"; also amend section 2 page 4 by inserting after the word "homes" in line 12 the following: "but shall not include domestic service in private homes or newspaper boys lawfully engaged in the business of buying selling delivering exposing or offering for sale and newspaper magazine periodical or other publication"; also page 5 line 8 by striking out the word "fifteen" and inserting in lieu thereof the word sixteen"; also line 13 by striking out the word "nine" and inserting in lieu thereof the word "ten"; also page 5 section 3 line twenty-five by inserting after the word "occupation" the following: "heretofore defined in the act"; also page 8 line 3 by striking out the word "distinterested" and inserting in lieu thereof the word "disinterested"; also page 10 line 1 by striking out the word "he" and inserting in lieu thereof the word "it."

On the question,

Will the Senate agree to the amendment?

CONSIDERATION OF SENATE BILL NO. 39

Mr. REED (Dauphin). Mr. President, it is hardly necessary for the Senator from Allegheny, Mr. Frey, to call up this bill; I have been waiting here patiently for over an hour for the chance to call it up, because it is the next bill on the calendar, and I want to suggest to my friends on the Democratic side of this house that if they do not stop these discharge motions of theirs pretty soon and let up get down to business there are going to be a good many meritorious bills—on this calendar and coming over from the House—that will fail.

I am very glad, Mr. President, that we have at last the opportunity of voting on Senate Bill No. 39; and I want to call the attention of the Senate to the fact that this bill as passed by the House has been entirely changed—by the amendments written into it by the House. In my judgment the bill as it now stands is worthless, and is unconstitutional. This bill should go to a conference committee, to be ironed out; and I hope that every member of the Senate will vote "no" on this motion of concurrence.

Mr. McGINNIS. Mr. President, this is one of the first bills that were offered in this body. It is No. 39, and was offered and referred to the Committee on Labor and Industry on January the 14th. It remained in that committee for about four months, until the Brancato Bill came over, and then the bill took on a little life.

The main difference between this bill and the Brancato Bill as I see it, is that the Secretary of Labor appoints the wage board, whereas under the Salus Bill the Common Pleas judges of each county appoint these wage boards. Now, personally, I am opposed to the Common Pleas Courts extending their jurisdiction into wage boards, or having their fingers on wage boards. It sets up sixty-seven different boards in this Commonwealth, which would have sixty-seven different view points and would cause confusion; and I do not think it is workable.

This bill passed this Senate—it is a Republican bill—and I believe most of the Democratic Senators voted for it. It goes over to the House and is amended, to change the appointment of the wage boards. Now, I can see that if we shuffle back and forth here there will not be any legislation on minimum wages or child labor. Therefore, if we continue shuffling these bills back and forth we

will not have any legislation; and perhaps that is the purpose of this shuffling.

Mr. HUNSICKER. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. McGinnis.

The President. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. HUNSICKER. Mr. President, I ask the Senator from Allegheny, Mr. McGinnis, if he did not make the statement that Senate Bill No. 39 was introduced in the Senate early in the session to lie in committee for four months, until the Brancato Bill arrived in the Senate. Is that correct?

Mr. McGINNIS. Mr. President, until the Brancato Bill came over.

Mr. HUNSICKER. Mr. President, what time?

Mr. McGINNIS. Mr. President, it arrived in the Senate and on the day it arrived it was sent to the Committee on Labor and Industry, February 19th.

Mr. HUNSICKER. Mr. President, that was one month after?

Mr. McGINNIS. Mr. President, Senate Bill No. 39 remained in committee three months after the Brancato Bill got over here.

Mr. REED (Dauphin). Mr. President, I want to deny the statement of the Senator from Allegheny, Mr. McGinnis, that the purpose of the Senate when it passed the Salus Bill was to put upon the statute books of Pennsylvania a law so that women and children in industry, who are suffering because the wages which they received do not enable them to live properly, will have redress. It is not the purpose, I believe, that any conference committee which is appointed by the Senate will give this matter honest and fair consideration. The attempt to iron out the differences which exist between the two houses. Therefore, in order that minimum wage legislation may not die I ask that every Senator to vote "no" on this motion to the end that the conference committee may be appointed.

That appointment is merely a temporary appointment, and these boards consist of a representative of labor, and of a representative of a particular industry, and a man—a disinterested party. The difference between that bill and the Brancato Bill is that the Brancato Bill centralizes that matter in Harrisburg, and provides that the Department of Labor and Industry shall appoint a permanent board, or shall have control of the appointment of every board for the sixty-seven different sections of this State.

It seems to me that what is and what is not a fair wage in a particular district can best be determined by the people in that district, and who is or is not the kind of person it would be proper to appoint in that district can be best known by the people who live in that district.

Now, I say, secondly, that the Department of Labor and Industry is not obliged, under the Salus Bill in its original form, to wait for the appointment by any court of any county; but the Department of Labor and Industry is given the right, upon its own initiative, to initiate an investigation to determine in anyone of the sixty-seven counties whether or not a fair rate is being paid in any partcular industry.

Now, I am afraid that I gathered, from what has been said here, that this is not a question of the value of the legislation, but, rather, that it is a question of whose legislation it shall be. For instance, I am told by my friend on the other side that this bill went over as a Republican measure with Democratic approval; and now it comes back as a Democratic measure, and I suppose we, then, ought to give it Republican approval. That seems to be the game, and if there is any battle door and shuttlecock that this conference committee used, it seems to be on the other side.

There is no danger, if we are dealing with sensible sane people that this bill will be killed, because the conference committee has the right to consider it, and if they cannot agree, the gentleman from the other side can recede from their position and they will find themselves in this position: If they recede, there will be on the statute books of Pennsylvania a law which will for the first time give the right to any industry to institute an investigation to determine whether or not a sweated shop condition exists in a factory and whether or not a fair rate is being paid to employees in that factory and it seems, as I said before, that that is the start, the first step, in attempting a new method of governing business. And if, afer one or two years, this thing does not work out right, and new amendments are necessary, we can then come back and take care of that situation. But to say that merely because the appointment of three disinterested persons is given to a court of law in a county instead of to a department head in the State of Pennsylvania makes the bill bad is merely to beg the question. Politically the Republican organization has taken a step forward, and is entitled to credit for it. If that step forward is repudiated, the responsibility belongs with the Democratic organization.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Baumer,	Lanius,	Pytko,	Rodgers,
Cavalcante,	Law,	Rankin,	Rupp,
Frey,	McCreesh,	Reed,	Sones,
Harris,	McGinnis,	(Washington)	Thompson,
Hufman,	Miller,	Rice,	(Centre)
Kable,	Prince,	Roberts,	Trainer,

NAYS—27

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Sordoni,
Bean,	Graff,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Reed,	(Westmoreland)
Chapman,	Howell,	(Dauphin)	Woodward,
Clark,	Hunsicker,	Salus,	Ziesenheim,
Coyne,			

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, state his question of personal privilege.

Mr. McGINNIS. Mr. President, I would like to state that the people of Pennsylvania are paying higher telephone rates, electric light rates, street railway car fares, bus and taxi fares, than the people of any other State in this Union. It would be presumed that this State would be charged those exorbitant rates during a period of

prosperity, and that they would be reduced during a period of depression; but that is not so, for during this depression, when people were losing their homes, entire families were without work, and many of the families of this State had exhausted their entire life's savings, these utility companies of Pennsylvania continued drawing down, during every year of this depression, these outrageous dividends. They not only drew down these dividends for the operating companies but drew them down also for the holding companies all through this depression.

The use of electric power in this country is becoming more and more general; it is in nearly every home; nowadays machinery is run by electric power; more and more every day it is demonstrated that the field of use of electric power is increasing. By machinery you can harrow, sow and reap; and the operations of the mill are done by electric power.

Mr. President, it does seem to me that in this State the Public Service Commission should have the right, or should have jurisdiction over these holding companies.

MOTION TO DISCHARGE COMMITTEE

Therefore, Mr. President, I move to discharge the Committee on Public Utilities, which has held Senate Bill No. 1468 (House Bill No. 2685) since May the 28th, from further consideration of this bill, so that said bill may be reported to the floor of the Senate and given constitutional consideration. This bill extends the jurisdiction of the Public Service Commission to holding companies.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHARPIRO. Mr. President, I do not know whether this bill is such a bad piece of legislation, or whether it is a good piece of legislation, but I would like to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, when did the Senator from Allegheny, Mr. McGinnis, ask that this bill be acted upon?

Mr. McGINNIS. Mr. President, I did not ask, but Mr. Roberts asked several weeks ago; and the bill was voted down in committee.

Mr. SHAPIRO. Mr. President, it could not have been several weeks ago; the bill only went into committee June 1st, or May 28th.

Mr. McGINNIS. Mr. President, at least two weeks ago.

Mr. SHAPIRO. Mr. President, is the Senator from Northampton, Mr. Roberts, in the hall of the Senate?

The PRESIDENT. The Senator from Northampton is in conference at the desk.

Mr. SHAPIRO. Mr. President, will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated at the desk?

The PRESIDENT. Will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated at the desk?

Mr. ROBERTS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Northampton, Mr. Roberts, state when he asked that this bill be called up for action?

Mr. ROBERTS. Mr. President, I cannot state exactly, but about a week ago.

Mr. SHAPIRO. Mr. President, in regard to which bill?

Mr. ROBERTS. Mr. President, the bill in question.

Mr. SHAPIRO. Mr. President, may I inquire from the Senator from Northampton which bill is in question.

Mr. ROBERTS. Mr. President, is the Senator from Philadelphia, Mr. Shapiro, aware of what bill is being considered?

Mr. SHAPIRO. No, Mr. President, I am trying to find out about it.

Mr. ROBERTS. Mr. President, the Senator from Philadelphia, Mr. Shapiro, can ask the Secretary.

Mr. SHAPIRO. Mr. President, that proves that none of us know what bill we are talking about.

The PRESIDENT. The Chair accepts the apology.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. McGINNIS and Mr. FREY and were as follows, viz:

YEAS—22

Baumer,	Law,	Rankin,	Sones,
Cavalcante,	McCreesh,	Reed,	Thompson,
Frey,	McGinnis,	(Washington)	(Centre)
Harris,	Miller,	Rice,	Thompson,
Huffman,	Prince,	Roberts,	(Westmoreland)
Kahle,	Pytko,	Rodgers,	Ziesenheim,
Lanius,			

NAYS—26

Aron,	Coyne,	Hunsicker,	Rupp,
Batchelor,	Ealy,	Mallery,	Shapiro,
Bean,	Gelder,	McClure,	Sordoni,
Bennett,	Graff,	Owlett,	Staudenmeier,
Buckman,	Harvey,	Pierson,	Trainer,
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	

So the question was determined in the negative.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until four o'clock.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 2581 (Senate Bill No. 1705), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, during the biennium ending the thirty-first of May, one thousand nine hundred thirty-five, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2139

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 2139, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1703

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during other hours; and also during other hours unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

SENATE BILL NO. 466 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 466, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1 page 1 line 4 by striking out the word "fifty" and inserting in lieu thereof the word "forty-five"; also line 4 by striking out the numerals "($50,000)" and inserting in lieu thereof the numerals "($45,000)"; also page 1 by adding the following sections after line 9:

Section 2 In addition to the appropriation made by section one of this act the sum of twenty-two thousand five hundred dollars ($22,500) is hereby appropriated to the Johnson Industrial School of Scranton Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such School during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such School by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

"Any law to the contrary notwithstanding amounts payable to the Johnson Industrial School of Scranton Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act"

"Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five"

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 181 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 181, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1, line 1, by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1, page 1, line 4, by strikng out after the word "hundred" the words "and fifty"; also line 5 by striking out the numerals "($150,000)" and inserting in lieu thereof "($100,000)"; also by inserting the following section after line 10:

Section 2 In addition to the appropriation made by section one of this act the sum of thirty-seven thousand one hundred twenty-five dollars ($37,125) is hereby appropriated to the trustees of the Hahnemann Medical College

and Hospital of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such trustees for the maintenance of the school of medicine during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purpose made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the trustees of the Hahnemann Medical College and Hospital out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 539 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 539, entitled:

An Act making appropriations to Sleighton Farm School for Girls, situate in Delaware County, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCHMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out the words "An appropriation" and inserting in lieu thereof the word "appropriations"; also section 1 page 1 line 4 by striking out the words "two hundred and eighty-eight" and inserting in lieu thereof the word "eighty-five"; also line 4 by striking out words "nine hundred and eighty-four"; also line 5 by striking out the numerals "($288,984.00)" and inserting in lieu thereof the numerals "($85,000)"; also page 1 by inserting the following sections after line 10:

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thousand six hundred eighty-three dollars and fifty-one cents ($100,683.51) is hereby appropriated to Sleighton Farm School for Girls situated in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to Sleighton Farm School for Girls out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 537 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 537, entitled:

An Act making an apporpriation to the Elwyn Training School at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania.

with the information that the House has passed same

with amendments in which the concurrence of the Senate is requested.

Mr. BUCHMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend section 1 line 6 by striking out the following "not more than six hundred and fifty"; also line 9 by striking out the following: "four hundred and fifty-five thousand dollars ($455,000)" and inserting in lieu thereof the following: "three hundred and seventy-five thousand two hundred dollars ($375,200)".

On the question.

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 535 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 535, entitled:

An Act making appropriations to the Glen Mills Schools situate in Delaware County, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bills..

Mr. McCLURE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1, line 1, by striking out the words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1, line 4, by striking out the words "three hundred and one" and inserting in lieu thereof the word "eighty-five"; also line 4 by striking out the words "six hundred and eighty-six"; also line 5 by striking out the numerals "($301,686)" and inserting in lieu thereof the numerals "($85,000)"; also page 1 by adding the following sections after line 10:

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred fifteen thousand four hundred seventy-seven dollars and ninety-four cents ($115,477.94) is hereby specifically appropriated to The Glen Mills Schools situated in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such schools during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such schools by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to The Glen Mills Schools situated in Delaware County Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for his purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on State Government reported as amended, Senate Bill No. 1637 (House Bill No. 978), entitled:

An Act to amend and add a new section to the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty

culture defining beauty culture and regulating beauty culture shops schools students apprentices teacher managers and operators conferring powers and duties upon the Departmentof Public Instruction providing for appeals tocertain courts by applicants and licenses and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration providing additional grounds for the issuance of certificates without examinations, and extending the time therefor and requiring beauty shops tobe in charge of managers.

Mr. CLARK. Mr. President I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, from the Committee on Appropriations reported as committed, Senate Bill No. 1693, (House Bill No. 557), entitled:

An Act making appropriations to the Board of Trustees of the Philadelphia Museum.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1694 (House Bill No. 592), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1696 (House Bill No. 1121), entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for optometrical education.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1697 (House Bill No. 1150), entitled:

An Act making appropriations to the National Farm School at Doylestown, Pennsylvania.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1695 (House Bill No. 603), entitled:

An Act making appropriations to the Woman's Medical College of Pennsylvania located at East Falls, Philadelphia.

Also, from the Committee on Appropriations reported as committed, Senate Bill No. 1698 (House Bill No. 1228), entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1699 (House Bill No. 1864), entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

Also from the Committee on Appropriations reported as committed, Senate Bill No. 1702 (House Bill No. 2743), entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park.

Mr. SORDONI. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SORDONI from the Committee on Finance reported as committed, Senate Bill No. 1679 (House Bill No. 2520), entitled:

An Act to amend the act approved the seventh day of May, one thousand nine hundred and twenty-seven, (P. L. 859), entitled "A supplement to the act approved the twentieth day of June, one thousand nine hundred and nineteen, (P. L. 521), entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal,' imposing additional taxes equal to Federal credits," by adding thereto section two; authorizing the payment of estate taxes under protest without prejudicing rights, where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth.

Also from the Committee on Finance reported as committed, Senate Bill No. 1680 (House Bill No. 2521), entitled:

An Act to amend section thirteen of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," as amended; authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents, without prejudice to the right of appeal.

Also from the Committee on Finance reported as committed, Senate Bill No. 1681 (House Bill No. 2523), entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to, and to amend section one thousand two hundred two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of it sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of money erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the

State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; authorizing any person, association, corporation or public officer, against whom an account has been settled, or against whom an account may be settled on the basis of a report filed, to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement, without prejudice to the right of resettlement, review or appeal, and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal.

Mr. COYNE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Finance reported as committed. Senate Bill No. 1704 (House Bill No. 1970). entitled:

An Act to amend the act approved the twenty-second day of November, one thousand nine hundred thirty-three (1933-1934 Special Session, Pamphlet Laws five), entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified; describing the method and manner of collection of such tax; conferring powers and imposing duties on certain State officers and departments, and certain individuals, firms and corporations; and imposing penalties," by providing for an extension of time for payment in certain cases.

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Judiciary General reported as committed Senate Bill No. 1501 (House Bill No. 2627), entitled:

An Act to amend section two of the act, approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans,' municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government reported as committed, Senate Bill No. 1666 (House Bill No. 2926), entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud corruption or dishonesty or profit to such councilmen and where the borough is in possession of and uses such fire apparatus

Also from the Committee on Finance reported as committed, Senate Bill No. 1155 (House Bill No. 1073), entitled:

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-four) entitled "An act imposing a State tax payable by those herein defined as manufacturers and distributors on certain alcoholic beverages used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale of alcoholic beverages taxable hereunder and providing penalties as amended prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Judiciary General reported as committed, Senate Bill No. 1301 (House Bill No. 1778), entitled:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

RECONSIDERATION OF SENATE BILL NO. 1428

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. ROBERTS. Mr. President, I voted "no."

Mr. RICE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RICE. Mr. President, I voted "no."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. ROBERTS. Mr. President, I ask unanimous consent to amend Section 1, page 3, line 14, by striking out the heavy-faced brackets before and after the words "one cent"; also line 14, by striking out with heavy-faced brackets the words "two cents"; also page 6, line 4, by striking out the heavy-faced brackets before and after the words "one cent"; also line 4, by striking out with heavy-faced brackets the words "two cents"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Aron,	Kahle,	Pytko,	Salus,
Baumer,	Lanius,	Rankin,	Sones,
Cavalcante,	Law,	Reed, (Washington)	Sordoni,
Frey,	McCreesh,	Rice, (Centre)	Thompson,
Harris,	McGinnis,	Roberts,	Thompson, (Westmoreland)
Homsher,	Miller,	Rodgers,	Trainer,
Huffman,	Pierson,	Rupp,	
Hunsicker,	Prince,		

NAYS—15

Batchelor,	Clark,	Harvey,	Shapiro,
Bennett,	Ealy,	Mallery,	Staudenmeier,
Buckman,	Gelder,	McClure,	Ziesenheim,
Chapman,	Graff,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. BENNETT. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 440, on third reading postponed for the present, entitled:

An Act establishing as State highways subject to certain restrictions all existing township roads in townships of the second class which have not heretofore been established as State highways and providing for their maintenance and repair and for the vacation of certain of said roads

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 440, the bill just read, be recommitted to the Committee on Highways.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BENNETT and Mr. GRAFF and were as follows, viz:

YEAS—35

Aron,	Ealy,	Lanius,	Reed, (Washington)
Batchelor,	Frey,	Mallery,	Rice,
Baumer,	Gelder,	McClure,	Roberts,
Bean,	Harris,	McCreesh,	Rodgers,
Buckman,	Harvey,	Miller,	Rupp,
Cavalcante,	Homsher,	Pierson,	Sones,
Chapman,	Howell,	Prince,	Staudenmeier,
Clark,	Huffman,	Pytko,	Thompson, (Centre)
Coyne,	Kahle,	Rankin,	

NAYS—12

Bennett,	McGinnis,	Sordoni,	Trainer,
Graff,	Owlett,	Thompson, (Westmoreland)	Ziesenheim,
Hunsicker,	Salus,		
Law,	Shapiro,		

So the question was determined in the affirmative.

LEAVE OF ABSENCE

Mr. SHAPIRO asked and obtained leave of absence for the Senator from Dauphin, Mr. Reed.

The PRESIDENT. On the question of final passage of Senate Bill No. 1428, there is some question whether the Senate has amended the bill by other than strike outs. The Chair withdraws his statement. The bill will lie on the table temporarily, until we investigate the status of the amendments.

QUESTION OF PERSONAL PRIVILEGE

Mr. STAUDENMEIER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Schuylkill, Mr. Staudenmeier, will state his question of personal privilege.

Mr. STAUDENMEIER. Mr. President, this is the first time I have arisen on the question of personal privilege. In the heated atmosphere of this afternoon, the Senator from Centre, Mr. Thompson, in the course of his remarks made some statements—that there was an implication of sharp practice on my part in the matter of the recommitment of Senate Bill No. 1307 to the Committee on State Government last evening. I think the gentleman will agree with me, that this morning he came to my desk in connection with the bill and I immediately informed him that I was not aware of the fact that he was not in his seat, and in addition to that, I think he will agree with me, that I informed him last evening before making the motion to recommit Senate Bill No. 1307, that I intended to do so, and I did not want him to consider it a personal matter as far as he was concerned, and I wish to assure him that if I were aware that he was not in his seat, I would have been the last one to make the motion of that type.

Mr. THOMPSON (Centre). Mr. President, I am very glad to accept the assurance given by the Senator from Schuylkill, Mr. Staudenmeier.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. THOMPSON (Centre). Mr. President, at the request of my colleague, the Senator from Philadelphia, Mr. McCreesh, I desire at this time to call up Senate Bill No. 1143, on third reading, entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week, except in emergency cases.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1143, entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week, except in emergency cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT BILL.

Mr. BUCKMAN. Mr. President, I move that this bill be recommitted to the Committee on Municipal Government.

Mr. GELDER. Mr. President, I second the motion.

Mr. CAVALCANTE. Mr. President, before any action is taken on this motion, I would like to say that this bill merely provides for the City of Philadelphia what is already provided for in other cities, second and third class cities, and there is no reason why this bill ought to be taken off the floor of the Senate at this time.

Mr. McCREESH. Mr. President, if this bill is recommitted now, it means we have nothing more to do with it for two years, and I am very much opposed to sending it back. This is a very important bill. The police force in Philadelphia today is working twenty-four hours a day for seven days a week. Now, if you allowed the policemen one day a week off, it is justly due them, we might perhaps have better families. If you have a family of boys or girls, and the father of the house stayed at home with the children at least one day a week, you will have better children, as the old custom was that the father would take the children to the park or playground or somewhere, one day a week, and if you did this they would not go out on the hillside and get into bad company, and that is the trouble with families today—the mother and father have no time for the children. Now, gentlemen, If I were you, I would give these policemen one day a week off. They now hang around the police stations every day and do not get out with their families at all. Some of you members from Philadelphia might think it would be expensive to Philadelphia, they are not worrying about the expense to Philadelphia. There is some little probability that in the next Fall, we hope to have all the good men of Philadelphia on the sidewalks just telling to the people what the Senate did for the police force of Philadelphia, so if I were you, gentlemen, I would vote against the recommitment of this bill.

Mr. SHAPIRO. Mr. President, I do not think seven days a week and twenty-four hours a day, we need worry about the policemen, because they can sleep the rest of the time, and so far as Philadelphia is concerned, I want to say our position is simply this: Having knowledge of the finances somewhat of the City of Philadelphia, this would be additional expense and a burden to the city, that it does not at this time want to assume. However, in this situation, what I have always contended is true. The Senator does not represent the district he is in, he represents the whole State of Pennsylvania in the Senate, and puts himself in opposition or in favor of legislation that does not concern his city. He is likely to find himself in the position Philadelphia is in today, we cannot consistently say that that which is not good for the rest of the State is not good for Philadelphia. Financially, Philadelphia is in a position to not want to add another burden, and I cannot find myself in a position to vote against this bill by permitting it to go back now, because it would be killed in committee. Under these circumstances, I say to the gentlemen from the rest of the State they will have to use their own judgment, as I intend to use mine.

Mr. SORDONI. Mr. President, it seems to me that every man in the State is entitled to one day a week for rest and recreation. We have had a lot of labor bills here and we have been accused of being selfish, but that is not so. I think this is a very worthy bill and deserves the support of every member of the Senate. There is no earthly reason why these men should not be entitled to twenty-four hours rest each week.

Mr. ARON. Mr. President, I do not think there is a man in Philadelphia who is friendlier to the police than I am, but I have been in consultation with a number of the officials and they are in accord that it is important not to have this bill pass, as it means that it will require at least seven or eight hundred new officers to police the streets of Philadelphia properly. That means it will put the City of Philadelphia to an expense of over two million dollars and a half, and we are now striving to meet the present payrolls of Philadelphia, and we do not have the money that is necessary. I feel that the Superintendent of Police would be very anxious that these men should have one day off a week, but they do not have the finances to pay for it. Now, are we going to increase taxation to meet this proposition? This is a simple problem. The officers themselves have not asked that this bill be passed. This bill has been in committee for months, and I have not received a note from an officer who is favorable to this bill. They have good jobs and they get good pay, and in times like this they ought to be satisfied to have jobs and be paid for their services. I, therefore, ask the Senate to recommit this bill—the majority of the Senators from Philadelphia are in favor of recommitment.

Mr. McCREESH. Mr. President, last Friday or Saturday, we had a parade in Philadelphia and there were three or four hundred policemen in the parade, and I have not heard a word from the Senator from Philadelphia, Mr. Aron, saying about the waste of money there. I ask that this bill be recommitted.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. McCREESH and Mr. THOMPSON (Centre), and were as follows, viz:

YEAS—12

Aron,	Buckman,	Hunsicker,	Pierson,
Batchelor,	Chapman,	McClure,	Salus,
Bean,	Homsher,	Owlett,	Woodward,

NAYS—28

Baumer,	Lanius,	Reed,	Sordoni,
Cavalcante,	Law,	(Washington)	Staudenmeier,
Frey,	McCreesh,	Rice,	Thompson,
Gelder,	McGinnis,	Roberts,	(Centre)
Graff,	Miller,	Rodgers,	Thompson,
Harris,	Prince,	Rupp,	(Westmoreland)
Harvey,	Pytko,	Shapiro,	Trainer,
Kahle,	Rankin,	Sones,	

So the question was determined in the negative.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Aron,	Harvey,	Pytko,	Sones,
Batchelor,	Hunsicker,	Rankin,	Sordoni,
Baumer,	Kahle,	Reed,	Staudenmeier,
Bennett,	Lanius,	(Washington)	Thompson,
Cavalcante,	Law,	Rice,	(Centre)
Ealy,	McCreesh,	Roberts,	Thompson,
Frey,	McGinnis,	Rodgers,	(Westmoreland)
Gelder,	Miller,	Rupp,	Trainer,
Graff,	Owlett,	Salus,	Woodward,
Harris,	Prince,	Shapiro,	

NAYS—5

Bean, Chapman, Homsher, Pierson, Buckman.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

The PRESIDENT. The Chair desires to make a statement with respect to final passage of House Bill No. 1418 (Senate Bill No. 1428). The Legislative Reference Bureau has checked it and the bill has passed the House and the Senate without amendment, and the House will be notified accordingly.

REPORTS FROM COMMITTEES

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Finance, reported as amended, Senate Bill No. 662 (House Bill No. 936), entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements including every form of entertainment diversion sport recreation and pastime requiring persons partnerships associations or corporations conducting places of amusement to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and the use of the proceeds thereof. permitting refunds of the tax in certain instances and providing penalties

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Public Utilities reported as amended, Senate Bill No. 1192 (House Bill No. 2130), entitled:

An Act to amend the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs", as amended, to authorize and empower boroughs to construct or acquire water-works and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof, secured solely by liens thereon, and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Mr. BEAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN from the Committee on Judiciary General reported as amended, Senate Bill No. 828 (House Bill No. 1415), entitled:

An Act to amend section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing that the entry of an appearance for the respondent shall not be deemed collusive

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Insurance, reported as amended, Senate Bill No. 1225 (House Bill No. 2017), entitled:

An Act to establish a fund to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth or any employer exempted from such insurance and to provide for the administration thereof

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Agriculture, re-reported as committed, Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways re-reported as amended, Senate Bill No. 1361 (House Bill No. 2062), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

Also from the Committee on Highways, re-reported as amended, Senate Bill No. 1358 (House Bill No. 977), entitled:

An Act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the expenditure of such appropriation for the construction of second-class township streets roads and bridges requiring the reduction of tax levies by such townships and validating tax levies of townships made after the last day now fixed by law for such levy

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Judiciary General, reported as amended, Senate Bill No. 1410 (House Bill No. 2509), entitled:

An Act to amend the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 164) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by adding an additional section providing that each of the judges of the Orphans' Court in certain counties may appoint a clerk and providing for the compensation of such clerks.

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Municipal Government, reported as committed, amended, Senate Bill No. 1615 (House Bill No. 2109), entitled:

An Act to amend sections one thousand and three, one thousand one hundred and seven, one thousand seven hundred and one, and one thousand eight hundred and two of, and to add section one thousand seven hundred and one A to, the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by townships and their agents, and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 180, entitled:

An Act making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assemby met and it is hereby enacted by the authority of the same That it is unlawful for any person copartnership association or corporation operating as a water company and who or which has undertaken to supply any city borough town or township with water for the purpose of fire protection for any reason whatsoever to cut off or otherwise refuse to continue the supply of water for such purposes unless and until water for such purposes is available from other sources without first having secured the approval of the Public Service Commission of the Commonwealth of Pennsylvania evidenced by its Certificate of Public Convenience authorizing discontinuance of such service.

Section 2 If any such city borough town or township fails to pay any service charge or to pay for any water used for which it is responsible the water company may proceed against such city borough town or township in an action of assumpsit and reduce its claim to judgment which judgment shall be enforced as other judgments against such cities boroughs towns or townships are enforced

Section 3 Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100) for each day of such violation

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon its final enactment

And the amendment made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Washington)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILLS TO BE GIVEN PREFERENCE IN THE CONSIDERATION OF THE CALENDAR

Mr. BUCKMAN. Mr. President, with reference to the further consideration of bills on the calendar, bills on concurring in House amendments, bills on final passage, bills on third reading and bills on second reading, I move that preference be given to Senate Bills in their order.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, in the absence of my colleague the Senator from Dauphin, Mr. Reed, the sponsor of the bill, I ask unanimous consent that Senate Bill No. 147, entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1346, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws), entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the installment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out after the word "amend" the following: "section one of"; also by adding the last line of the title the following: "permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs"; also section 1, page 1, line 4 by striking out at the beginning of the line he words "section one of"; also by adding after the line 25 the following:

"Section 2 In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties and interest or penalties as the case may be on the installments of such delinquent taxes remaining shall not be abated but shall remain due and payable as provided by existing law

At any time during the installment period any taxpayer may pay the entire amount of or the balance due on delinquent taxes whereupon penalties interest and all costs on delinquent taxes for the year one thousand nine hundred and thirty-three and prior years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-four shall be abated and all liens filed for delinquent taxes satisfied of record provided however taxes for the then current year and all prior years are paid.

Section 3 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not [become] be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Washington)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1518, as follows:

An Act to amend section one of the act approved the twenty-third day of April one thousand nine hundred and nine (Pamphlet Laws one hundred fifty-nine) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken and refuses on demand to return the same to the lawful owner

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section one of the act approved the twenty-third day of April one thousand nine hundred and nine (Pamphlet Laws one hundred fifty-nine) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that if any person shall buy have or receive within the limits of the Commonwealth of Pennsylvania any goods chattels moneys or securities or any other matter or thing which shall have been stolen or feloniously taken either in the Commonwealth of Pennsylvania or in any other State or country knowing or having reasonable cause to know the same to have been stolen or feloniously taken and having refused on demand to return such property to the lawful owner such person shall be guilty of felony and on conviction suffer the like pains and penalties which are by law imposed upon the person who shall hvae actually stolen or feloniously carried away the same within the limits of this Commonwealth

And the amendments made thereto having been printed as required by the Constitution,

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Graff,	McCreesh,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Salus,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,			

NAYS—3

McGinnis,	Shapiro,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1527, as follows:

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "fiduciary" as used in this act shall include guardians committees trustees and other fiduciaries whether domiciliary or ancillary subject to the jurisdiction of the court of common pleas of any county of this Commonwealth

Section 2 Any such fiduciary holding moneys to be invested may invest such moneys in any investment in which at that time a fiduciary subject to the jurisdiction of the orphans' court of any county of this Commonwealth may invest like moneys

Section 3 When any such fiduciary shall have in his hands any moneys to be invested as aforesaid he may present a petition to the court of common pleas having jurisdiction of his accounts stating the circumstances of the case and the amount or sum of money which he is desirous of investing whereupon it shall be lawful for the court upon due proof aided if necessary by the report of a master to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground-rents or in the bonds or certificates of debt now created or hereafter to be created and issued according to law by any other state of the United States or by any of the counties or cities of such other state at such prices or on such rates of interest and terms of payment respectively as the court shall think fit Provided That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust And provided further That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any deed of trust or other instrument in regard to the investment of such moneys

Section 4 (a) When any such fiduciary shall have invested any such moneys as authorized herein or as authorized by any court of common pleas as herein provided such fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the deed of trust or other instrument creating the trust it being hereby declared that all such investments are legal investments of moneys by such fiduciaries

(b) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this act when such non-legal investment was received by such fiduciary pursuant to the terms of the deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment

(c) Nothing contained in this act shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such deed or other instrument

(d) Nothing contained in this act shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Washington)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1599, as follows:

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "pupil" as used in this act means every child attending the public schools who is in the first or second grades and whose parent parents guardian or other person responsible for maintenance requests the furnishing to such child of vitamin products and also every child who is advanced beyond the second grade who in the opinion of the medical inspector of schools or an agent of the Department of Health shows indications of malnutrition or nutritional disorders and whose parent parents guardian or other person responsible for maintenance is financially unable to provide vitamin products for the child shall be entitled to receive daily during the school year or during any part of the school year as the Department of Health may determine such quantities of vitamin products as shall be deemed adequate by the medical inspector of schools or agent of the Department of Health to prevent or correct malnutrition

The term "vitamin products" as used in this act shall be construed to include any of the following high potency antirachitic products in capsule pearl tablet or water form used for the purpose of preventing and as an aid in correcting malnutrition namely (a) cod liver oil or cod liver oil with viosterol (b) haliver oil with viosterol (c) halibut liver oil with viosterol (d) any combination of the foregoing oils with viosterol (e) dicalcium phosphate compound with viosterol and (f) the product known as A-B-D capsule

Section 2 Such vitamin products shall be furnished by the Department of Health to various school districts for distribution therein by teachers in accordance with systems established by the Department of Health with the cooperation of the Department of Public Instruction

Section 3 The Department of Property and Supplies in accordance with the provisions of the Administrative Code

shall be purchasing agent for the Department of Health from time to time purchase and provide for the delivery of vitamin products for the use of the Department of Health in carrying into effect the provisions of this act Such vitamin products so purchased shall conform to such standards of quality and potency as may be prescribed by the Department of Health which Department shall have the right to reject or to refuse to accept any of said vitamin products so purchased which the Secretary of Health finds do not conform to the standards of quality and potency prescribed by the Department

Section 4 Each board of school directors shall in accordance with rules and regulations formulated by the Department of Health in cooperation with the Department of Public Instruction establish a system for the requisitioning of viatmin products from the Department of Health and for their distribution to pupils in the public schools and shall provide for the collection of reports as to the quantity of vitamin products required in such school district and in each school room to supply pupils Every teacher and medical inspector designated by the board of school directors for such purpose shall make periodical reports to the board of school directors for the use of the Department of Health as to the amount of vitamin products required to supply pupils in each school room showing the names of the pupils their respective ages grades addresses and such other information as the Department of Health may require

Section 5 The Department of Health shall in such manner as it shall determine provide instruction for teachers in the public schools upon matters pertaining to proper diet nutrition and comparative food values which information shall in turn be imparted by teachers to pupils and their parents

Section 6 The sum of six hundred thousand dollars ($600,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the two fiscal years commencing June first one thousand nine hundred and thirty-five for the purpose of carrying into effect the provisions of this act Payments from said appropriation shall be made on requisition of the Secretary of Health in the manner provided by law The Department of Property and Supplies shall also have power to draw its requisition on the appropriation made by this act for the purpose of paying for all vitamin products purchased by the Department of Health and for the payment of all incidental expenses incurred by said Department in advertising for bids and letting contracts for the purchase of vitamin products

Any moneys appropriated by this act shall be deemed available for the purpose of securing for the Commonwealth the benefit of any appropriations made available by the Federal Government for the furnishing of vitamin products for pupils in the public schools

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McCreesh,	Rodgers,
Batchelor,	Harris,	McGinnis,	Rupp,
Baumer,	Harvey,	Miller,	Salus,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Corne,	Law,	(Washington)	(Westmoreland)
Fair,	Mallery,	Rice,	Trainer,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,			

NAYS—2

Shapiro	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1621, as follows:

An Act to further amend the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" as last amended by the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred sixty-eight) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That in all cases where it shall appear from the records of the Department of Internal Affairs that there have been applications made or warrants granted by the Commonwealth for lands or lots inlots outlots reserve lots or other lands sold under acts of Assembly or by commissioners appointed under acts of Assembly the titles to which have not been computed by the granting of patents and where liens have been or have not been entered of record against such unpatented land for unpaid purchase money interest and fees pursuant to the act approved May twentieth one thousand eight hundred and sixty-four and its supplements the Secretary of Internal Affairs be and he is hereby authorized to make settlement as provided in the act of May twenty-sixth one thousand eight hundred and ninety-seven with the owners of such unpatented lands upon the payment of the patent fees amounting to fifteen dollars except that no fee shall be paid by the Commonwealth or any department board or commission thereof and upon the presentation of applications with satisfactory proofs of ownership to grant the patent of the Commonwealth which shall operate as a release of all claims of the Commonwealth under said liens the same as if the entire amount of purchase money and interest has been paid Provided That nothing herein contained shall be construed to repeal the act of March twelfth one thousand nine hundred and fifteen entitled "An act authorizing the surrender and delivery of mortgages and writings obligatory secured thereby given to the Commonwealth and the satisfaction of the record thereof when full payment has been made" which said last mentioned act is intended to authorize the Attorney General to enter satisfaction upon the record of mortgages as therein stated and is not intended to apply to or interfere with the right of the Secretary of Internal Affairs to enter satisfaction on the lien of the docket of the Department of Internal Affairs and to issue a certificate showing said payment and satisfaction of liens for patented or unpatented lands as now provided by law

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,

Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson, (Centre)
Cavalcante,	Hunsicker,	Rankin,	Thompson, (Westmoreland)
Chapman,	Kahle,	Reed, (Washington)	Trainer,
Clark,	Lanius,	Rice,	Woodward,
Coyne,	Law,	Roberts,	Ziesenheim,
Ealy,	Mallery,	Rodgers,	
Frey,	McClure,	Rupp,	
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 91, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by adding section two hundred and fifty-nine defining the power of the Board of Fish Commissioners to prohibit fishing at night time for trout or in streams containing trout

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Graff,	McGinnis,		

NAYS—1

Gelder,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1240, entitled:

An Act making an appropriation to the Alpha Fire Company Incorporated for the protection of the property of the Pennsylvania State College

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson, (Centre)
Cavalcante,	Hunsicker,	Rankin,	Thompson, (Westmoreland)
Chapman,	Kahle,	Reed, (Washington)	Trainer,
Clark,	Lanius,	Rice,	Woodward,
Coyne,	Law,	Roberts,	Ziesenheim,
Ealy,	Mallery,	Rodgers,	
Frey,	McClure,	Rupp,	
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1290, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rupp,
Batchelor,	Harris,	Miller,	Salus,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson, (Centre)
Cavalcante,	Hunsicker,	Rankin,	Thompson, (Westmoreland)
Chapman,	Kahle,	Reed, (Washington)	Trainer,
Clark,	Lanius,	Rice,	Woodward,
Coyne,	Law,	Roberts,	Ziesenheim
Ealy,	McClure,	Rodgers,	
Frey,	McCreesh,		
Gelder,			

NAYS—2

Mallery, Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 10 o'clock this evening.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 23 (Senate Bill No. 1706), entitled:

An Act to further amend sections five hundred and thirty-seven, five hundred and thirty-nine, five hundred and forty-one, five hundred and forty-three, five hundred and fifty-six, five hundred and fifty-seven and five hundred and fifty-eight of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "Public School Code" by providing for the abolition of the per capita tax and the levying and collection of an occupation tax.

Which was committed to the Committee on Finance.

House Bill No. 220 (Senate Bill No. 1707), entitled:

An Act to amend section fourteen of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four, (P. L. 282), entitled "Old Age Assistance Law," providing that inmates of almshouses may receive such assistance if otherwise eligible.

Which was committed to the Committee on State Government.

House Bill No. 814 (Senate Bill No. 1708), entitled:

An Act to amend section one hundred and one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," as amended; transferring the skunk or polecat from the furbearing animal class to the vermin class.

Which was committed to the Committee on Agriculture.

House Bill No. 1032 (Senate Bill No. 1709), entitled:

An Act exempting the net amount not exceeding five thousand dollars payable under life insurance policies from the claims of creditors of the insured or beneficiary.

Which was committed to the Committee on Insurance.

House Bill No. 1366 (Senate Bill No. 1710), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by adding thereto section one thousand two hundred and ten; providing for the preparation and furnishing by the Department of Internal Affairs to County commissioners or boards for the assessment and revision of taxes of model forms for tax duplicates, tax bills and tax receipts to be used for tax collection purposes.

Which was committed to the Committee on State Government.

House Bill No. 1367 (Senate Bill No. 1711), entitled:

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "First Class Township Law," by changing the compensation of the township treasurer.

Which was committed to the Committee on Municipal Government.

House Bill No. 1368 (Senate Bill No. 1712), entitled:

An Act to amend section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 230), entitled "Delinquent Tax Sales Act of 1931."

Which was committed to the Committee on Municipal Government.

House Bill No. 1783 (Senate Bill No. 1713), entitled:

An Act to amend section one of the act, approved the twelfth day of July, one thousand eight hundred and forty-two (P. L. 339), entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors, further defining cases in which imprisonment for debt shall or shall not be permitted.

Which was committed to the Committee on Judiciary General.

House Bill No. 2065 (Senate Bill No. 1714), entitled:

An Act providing for liens in favor of the Commonwealth and every charitable association, corporation, or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity, and furnishing therein care, treatment and maintenance to persons injured in accidents, upon the rights of action, claims or demands of such injured persons against other persons, corporations, partnerships and other unincorporated associations whatsoever, for damages on account of the negligence causing the injuries, and upon the proceeds of the settlement of any such claims or demands; providing for the entry, recording, release and discharge of such liens; and imposing duties upon prothonotaries.

Which was committed to the Committee on Judiciary General.

House Bill No. 2319 (Senate Bill No. 1715), entitled:

An act to amend the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "Fish Law of 1925" by defining and regulating fish bait; providing additional penalties for possession of fish during closed season; providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses; declaring unlawful certain methods of fishing; fixing license fees for outlines; providing for naturalized foreign born residents licenses and licenses lost or destroyed; providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor; providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons; and extending the right to set aside certain waters for nursery waters.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2334 (Senate Bill No. 1716), entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties.

Which was committed to the Committee on State Government.

House Bill No. 2399 (Senate Bill No. 1717), entitled:

An Act fixing a uniform fiscal year for counties, boroughs towns, townships, and certain school and poor districts, and providing such necessary tax, tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

Which was committed to the Committee on State Government.

House Bill No. 2548 (Senate Bill No. 1718), entitled:

An Act to amend sections two, three and four of the act, approved the fifth day of June, one thousand nine hundred and thirteen (P. L. 443), entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors and physicians, and increasing penalties for violation of said act.

Which was committed to the Committee on Public Health.

House Bill No. 2755 (Senate Bill No. 1719), entitled:

An Act to amend section one of the act, approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month," extending the provisions of said act to certain other contracts.

Which was committed to the Committee on Insurance.

House Bill No. 2904 (Senate Bill No. 1720), entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined, used or useful in beautifying, cleansing, preserving and improving the appearance of the skin, hair or teeth, and including perfumes and shaving preparations, by dealers as herein defined; requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined, engaged in the sale of cosmetics at retail or wholesale; providing penalties; and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 2958 (Senate Bill No. 1721), entitled:

An Act providing for and regulating, subject to certain restriction, limitations and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare; the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 2990 (Senate Bill No. 1722), entitled:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles; and providing penalties.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as amended, Senate Bill No. 1437 (House Bill No. 1991), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thitry-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five.

MOTION TO READ BILL THE FIRST TIME

Mr. CLARK. Mr. President, I move that Senate Bill No. 1437 (House Bill No. 1991) just reported from committee be read the first time.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1437 (House Bill No. 1991), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

HOUSE MESSAGE

RESOLUTION RELATIVE TO APPOINTMENT OF COMMITTEE TO STUDY SYSTEMS OF DISTRIBUTION OF PUBLIC FUNDS FOR UNEMPLOYMENT RELIEF

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, June 18, 1935.

The Commonwealth of Pennsylvania has during the past few years, to an ever increasing extent, recognized its obligation to the weak and unfortunate, in the form of appropriations of vast sums of money.

These moneys are distributed, and the various systems of aid and relief are administered, by numerous separate, and sometimes wholly unrelated, agencies, resulting in an unnecessarily heavy overhead expense, and at times in overlapping and duplication of efforts. In addition, local political subdivisions have from earliest times, administered local poor relief, and, more recently Mothers' Assistance, therefore, be it

Resolved (if the Senate concur), That a committee be created to consist of nine members, three of whom shall be appointed by the Speaker of the House of Representatives, three by President Pro Tempore of the Senate, and three by the Governor. The committee shall organize on the call of the Governor, and shall select a Chairman and a Secretary from among its number. The duties of the committee shall be to make a study of the various administrative systems for the distribution of public funds for unemployment relief, poor relief, mothers' assistance, old age assistance and assistance to the blind, with a view to (1) correlate the efforts of the various existing agencies, (2) prevent duplication of effort, and (3) consider, as bearing upon public aid, the efforts of private agencies.

Resolved, That the committee shall make a report to the next general session of the Legislature. Such report shall include the recommendation of the committee, together with drafts of such legislation as the committee shall deem beneficial.

Resolved, That the committee shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of the Commonwealth. Each member of said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. EALY. Mr. President, I move that the Resolution be referred to an appropriate committee.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The Resolution will be referred to Committee on State Government.

HOUSE CONCURS IN SENATE BILL NO. 255

He also returned to the Senate, Senate Bill No. 255 entitled:

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by prohobiting the use and possession of matches, pipes and smokers' articles in certain mines.

with the information that the House has passed the same without amendment.

HOUSE MESSAGE

SENATE BILL NO. 754 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 754 entitled:

An Act making appropriations to the Trustees of Temple University, at Philadelphia, Pennsylvania.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: amend title page 1 line 1 by striking out he words "an appropriation" and inserting in lieu thereof the word "appropriations"; also section 1 page 1 line 4 by striking out the words "one million" and inserting in lieu thereof the words "seven hundred and fifty thousand"; also line 5 by striking out the numeral "($1,000,000)" and inserting in lieu thereof the numerals "($750,000)" also by adding after line 12 the following sections:

Section 2 In addition to the appropriation made by section one of this act the sum of two hundred ninety-seven thousand dollars ($297,000) is hereby appropriated to the trustees of Temple University at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the general maintenance of and the purchase of apparatus and equipment for such University during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such trustees by the General Assembly at its regular session of one thusand nine hundred thirty-three because of insufficient revenues in the General Fund.

Any law to the contrary notwithstanding amounts payable to the trustees of Temple University out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedent over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Aron,	Graff,	McGinnis,	Salus,
Batchelor,	Harris,	Miller,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Washington)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Judiciary General reported as amended, Senate Bill No. 1197 (House Bill No. 2468) entitled:

An Act validating certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several townships of the second class of this Commonwealth and validating such improvements assesments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens.

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is their objection? The Chair hears none.

Mr. ZEISENHEIM from the Committee on Education reported as committed, Senate Bill No. 1649 (House Bill No. 1994), entitled:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1459, entitled:

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits; increasing medical and hospital benefits; making changes in the definition of "wages"; providing compensation for accidents arising out of and in the course of employment; regulating proof in hernia cases; further defining dependency as to widows; extending the time for the commencement of proceedings to recover compensation in certain cases; providing for autopsies in cases of death from injury; further regulating the review, modification, reinstatement, suspension and termination of original and supplemental agreements and awards; requiring employers to pay the compensation of physicians, surgeons and experts appointed by the board or referees to make examinations; providing that final receipts for compensation shall be conclusive after two years; further defining the jurisdiction and powers of the referees, boards and courts of common pleas; and repealing section four hundred and twenty-six of said act.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. THOMPSON (Centre). Mr. President, I rise in opposition to this bill. This bill is an application of the old adage that "all is not gold that glitters." This bill purports to liberalize the Workmen's Compensation legislation in this State, when in fact the bill does exactly the opposite from what it purports to do. The benefits under the act are, of course, increased very slightly, which we all know, but the act, in one major feature, in fact reduces the benefits which actually accrue to those who are supposed to be benefited. If this act were passed, it would entirely do away with the rule that the Supreme Court of Pennsylvania has recently passed on in the case of Romig vs. The Champion Forge and Blowers Company. All of us are more or less familiar with the controversy that has gone on during the past two years relative to the calculation of the wage rate in compensation cases. Ever since the original Compensation Act was enacted, in 1915, the wages of workmen injured were calculated on a 5½-day a week basis. Under the decision of the Supreme Court in the Romig case, that wage rate, in existence for some seventeen or eighteen years, the method of computing the wage rate was changed to a standard which in itself was not yet understandable by the time the Supreme Court reversed the decision of the Superior Court and put back into effect the application of the law as it had existed since 1915. This bill would substantially return us to the method of calculating the wages as was applied by the Superior Court. The bill would return us to the application of the 4-day week instead of the 5½-day week, which has been almost an established precedent. A study of the compensation cases in the Workmen's Compensation Bureau, which are taken as a whole for the first four and a half months of 1935, reveals that the net effect on the workers of Pennsylvania from the so-called benefits of the Batchelor bill effects not an increase, but a decrease of 2.3% in the weekly benefits which would be paid. In other words, Mr. President, if we would take all the cases that have come into the Bureau in the first four and a half months of this year, in place of the workers' return of compensation being increased under this Batchelor bill, the returns in all of these cases would be diminished by 2.3%.

A study of these cases also reveals that 25% of the injured workers among those cases would receive less than $10 a week under this Batchelor bill, whereas, under the act as it now stands only 12½% of those workers would receive less than $10.00 a week. A study also shows that while 50% of the injured workers would enjoy slightly increased benefits, 35% of the workers would suffer decreased benefits, and the benefits would remain the same for 15% of the parties represented in those cases.

This is one of those bills which has been called so often during the past two weeks a vicious piece of legislation. In the first place, the standard of industrial accidents is entirely changed. We have been familiar since 1915 with having a Compensation Act by which compensation is awarded for an accident sustained in the course of employment. Now this act changes the wording of the substance of the act and uses these words: "Accidents arising out of and occurring in the course of employment." What that means no one will know until the Superior Court of Pennsylvania decides. Does that change the method of awarding compensation in Pennsylvania, or does it not? There is a technical legal trouble which will affect every injured workman in the State of Pennsylvania if this Batchelor bill passes the legislature.

Another very vicious provision of this act is the provision relative to autopsies. Under the provisions of this act, as I understand it, as I read it, all that the employer has to do in the event of the death of one of the employees is to notify the family of the decedent that an autopsy will be held in three hours. In three hours, mind you, Mr. President, after the family of the decedent is notified, the employer, his physician and his representatives, can walk into the family of the decedent at any time of the day or night and can take that body and examine it, without asking or securing the consent or the permission of either the deceased's widow, or any of the members of his family. Certainly it is one of the most absurd provisions that has been introduced into any piece of legislation that has been before this Senate during this session.

Now, with respect to the rights of reviewing compensation agreements. In this Batchelor bill as it stands, it makes the general limitation two years for the right to review compensation agreements. It has been well settled and satisfactory to both employer and employees, that in eye cases there should be an indefinite right to review

agreements. That is the present law. Nobody has disputed that for some time and everybody has been satisfied with that, and why should we now come along and stultify the act in this manner? Again, we have an application of reactionary jurisprudence in the provisions relative to modification or termination of an agreement, or an award of compensation. Under this Batchelor bill the compensation of employee immediately ceases as soon as the petition for termination or a petition for modification is filed. Even though the employer admits that there is some percentage of disability existing or continuing, even though he admits that the employee is entitled to some compensation in some amount, nevertheless, as soon as the petition for modification or termination is filed, compensation ceases at once. Under the present act, Mr. President, in order for compensation to cease during the pendency of a petition, that the disability has entirely ceased, and unless the petition contains an averment that the disability has entirely ceased, compensation, at least for such portion as is admitted, must continue under the act as it exists at the present time.

This bill also eliminates entirely the right of the Workmen's Compensation Board to grant rehearings, and anyone who has done work of any sort in connection with our workmen's compensation jurisprudence knows how often rehearings are necessary to do substantial justice between the parties in actions of this kind. The Batchelor bill limits the power of review of such agreements to one year after the execution of those agreements. Some of those agreements may run for four or five, or even six years, and yet within one year after execution, under this Batchelor bill, those agreements must be reviewed. Under the present act those agreements cannot be reviewed any time during the life of the agreement.

I could go on almost indfinitely, Mr. President, and pick out portions of this Batchelor bill which brand it once and for all as a definite reactionary piece of legislation, and I say to you, Mr. President, that this Senate should defeat this bill as an anti-social piece of legislation.

Mr. BATCHELOR. Mr. President, judging by the remarks of my friend the Senator from Centre, Mr. Thompson, he does not like my bill very well. I am also quite sure of the action of my democratic colleagues on the left that they were in favor of a bill which is known in the Senate by number 1199. Mr. President, I challenge the accuracy of calling House Bill 1199 a compensation bill.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, my point of order is that the gentleman is not discussing the bill before the Senate.

The PRESIDENT. The Chair is inclined to sustain the point of order.

Mr. BATCHELOR. Mr. President, I take it that we are discussing the Workmen's Compensation bill, which covers the entire field as now covered by compensation. The bill before the Senate is a bill that re-enacts and amends the present Workmen's Compensation Law. The bill before the Senate is Senate Bill No. 1459, and not the bill referred to by the Senator.

The PRESIDENT. The bill before the Senate is No. 1459 and not the bill referred to by the Senator. The point of order is sustained and the Senator will confine his remarks to the bill before the House and related subjects.

Mr. BATCHELOR. Mr. President, I am, only that my friends, the Democratic colleagues on the left, do not care to enter into the discussion of any Workmen's Compensation bill before this Senate, apparently, for reasons best known to themselves; but which the public and the members of the Senate here can judge for themselves.

Mr. CAVALCANTE. Mr. President, again I must arise in defense of the assertion made by the Senator from Beaver. The Democratic members of this Senate to let Bill No. 119 come to the floor of the Senate.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the Senator from Fayette, Mr. Cavalcante, is not discussing the bill before the Senate.

The PRESIDENT. The point of order is well taken.

Mr. BATCHELOR. Mr. President, this bill is an honest attempt to liberalize the Workmen's Compensation Law, I venture to say that if this bill is passed by the Senate and concurred in by the House, the workers of Pennsylvania will have made considerable increase in the amount of compensation, and the manner in which that compensation will be received. I ask the Senate to support this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Aron,	Ealy,	Mallery,	Sordoni,
Batchelor,	Gelder,	McClure,	Staudenmeier,
Bean,	Graff,	Owlett,	Thompson,
Bennett,	Harvey,	Pierson,	(Westmoreland)
Buckman,	Homsher,	Prince,	Trainer,
Chapman,	Howell,	Salus,	Woodward,
Clark,	Hunsicker,	Shapiro,	Ziesenheim,
Coyne,			

NAYS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Harris,	Miller,	Rice,	Thompson,
Huffman,	Pytko,	Roberts,	(Centre)
Kahle,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HARVEY. Mr. President, I move that Senate Bill No. 1472, on third reading, entitled:

An Act defining the powers of persons partnerships associations or corporations operating cemeteries and buriel grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1516, entitled:

An Act for the protection of producers of farm produce providing for the licensing and regulation of certain individuals and entities receiving selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Aron,	Harris,	Miller,	Salus,
Batchelor,	Harvey,	Owlett,	Shapiro,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Washington)	Thompson,
Clark,	Law,	Rice,	(Westmoreland)
Coyne,	Mallery,	Roberts,	Trainer,
Frey,	McClure,	Rodgers,	Woodward,
Gelder,	McCreesh,	Rupp,	Ziesenheim,
Graff,	McGinnis,		

NAYS—1.

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

MOTION TO RECOMMIT

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 1530, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

be recommitted to the Committee on Public Health.

Mr. BUCKMAN. Mr. President, I second the motion

On the question,

Will the Senate agree to the motion?

A division being called for, nineteen Senators voted in the affirmative and twenty in the negative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1530, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 435) entitled "An act to provide for the safety of persons employed, housed, or assembled in certain bulidings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts;" as amended, requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I would like to interrogate the sponsor of this bill.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Luzerne, Mr. Sordoni, if this bill does not require the owner of a property to spend from $50. to $100. for an appliance to be used in connection with gas service.

Mr. SORDONI. Mr. President, I do not know the amount of money that would be required to make these installations. The bill was introduced by me at the request of a certain individual, in whom I have a lot of confidence. There seems to be a question of the amount of money necessary for a particular piece of equipment that they have in mind. I am not familiar with it, I do not know what the cost would be, but the cost is put on the owner of the property. The cost is not borne by the utility serving the property.

Mr. OWLETT. Mr. President, I would like to ask whether there was ever any hearing to determine whether the appliances required by this act have been tested or approved, or if any inquiry was made by the committee as to the practicability of this appliance.

Mr. SORDONI. Mr. President, not to my knowledge.

Mr. OWLETT. Mr. President, it seems to me that this is a pretty serious thing, to pass a bill like this, on which I understand there has been no hearing whatever. It requires the owners of property I am told, to spend $50. to $100. for an appliance, the value of which is doubtful. There has been no hearing in the committee to determine whether the appliance is practical, and no inquiries have been made by any committee to determine whether or not this is a plan to compel the property owner to buy an untested appliance. I ask the Senate to vote down this bill.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Luzerne, Mr. Sordoni.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Luzerne, Mr. Sordoni, whether or not the appliance that is to be inserted in homes by this bill is an appliance that is a patented article or not.

Mr. SORDONI. Mr. President, I understand that they are patented.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator whether or not it is a fact that this bill creates a monopoly for the patentee of the article to be used.

Mr. SORDONI. Mr. President, I am not familiar with the question, and I do not know whether it would be just one particular item or not, I am not familiar with the situation, I put this bill in by request.

MOTION TO DROP BILL FROM THE CALENDAR

Mr. BUCKMAN. Mr. President, in view of the answers of the Senator from Luzerne, Mr. Sordoni, I move that the bill be dropped from the calendar.

Mr. OWLETT. Mr. President, I second the motion.

O the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, as I understand this bill it is a safety measure for the prevention of fire, but it does not apply to buildings more than four stories in height. I inquired about this bill when I saw it on the calendar. I consulted with men who are trained in the fighting of fires, the head of the Firemen's Association of the State, and I inquired particularly as to whether or not it provided for certain patented devices at this time. I was informed that it did not. I was informed that any one of thirty devices now on the market could be used, and if this is installed in buildings of this kind, that it will prevent fire, it will reduce fire insurance costs and will save lives. I would ask the members of this body to vote down the motion of Senator Buckman to strike this bill from the calendar. This bill has real merit, prepared and introduced by people who have a fine and splendid knowledge of fighting fires and the prevention of accidents, and for that reason it would be wrong, it would be inhuman to drop this bill from the calendar.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Allegheny, Mr. Harris, whether or not the people who prepared and sponsored this bill and had it introduced by the Senator from Luzerne, whether or not they are manufacturers of some of the articles to be used under the terms of this bill.

Mr. HARRIS. Mr. President, I know of no one connected with any association or any firm who has any patented article. I received my advices from the gentlemen trained in fighting fires and prevention of accidents and from no other place.

Mr. BUCKMAN. Mr. President, the Senator from Allegheny, Mr. Harris, has not answered my question. Perhaps he does not know.

Mr. HARRIS. Mr. President, I believe I have answered your question. If I have not, I will ask you to repeat and I will answer it, because I have no hesitation in answering any question you may ask.

Mr. BUCKMAN. Mr. President, the question is whether or not the people who prepared and sponsored this bill are interested in the device that would be used under its terms

Mr. HARRIS. Mr. President, I do not know whether they are interested at all in the device. I say again that the gentleman with whom I spoke has no interest, because I asked that very question.

Mr. BUCKMAN. Mr. President, will the Senator tell us, if he can, whether or not the party with whom he consulted represented the people who sell this device.

Mr. HARRIS. Mr. President, I asked that gentleman the question and he replied in the negative.

Mr. BUCKMAN. Mr. President, and that is all that the Senator from Allegheny, Mr. Harris, knows about it.

Mr. HARRIS. Mr. President, that is plenty what I know about it.

Mr. REED (Washington). Mr. President, I desire to interrogate the sponsor of the bill.

The PRESIDENT. Will the Senator from Luzerne, Mr. Sordoni, permit himself to be interrogated?

Mr. SORDONI. Mr. President, I will.

Mr. REED (Washington). Mr. President, does the Senator from Luzerne, Mr. Sordoni, know whether this bill applies to dwelling houses?

Mr. SORDONI. Mr. President, I understand that it does

Mr. REED (Washington). Mr. President, would it also apply to farm owners?

Mr. SORDONI. Mr. President, I would say that this bill applies to all buildings where gas is used, that are under four stories in height, as Senator Harris just mentioned.

Mr. REED (Washington). Mr. President, does the Senator from Luzerne, Mr. Sordoni, know what the equipment cost.

Mr. SORDONI. Mr. President, no I do not.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I should like to ask the Senator from Allegheny, Mr. Harris, whether he considers, as I understand his remarks to be a state-wide improvement bill.

Mr. HARRIS. Mr. President, I do.

Mr. SHAPIRO. Mr. President, I suggest that the Senator from Allegheny, Mr. Harris, that this bill should apply only to cities of the first and second class.

Mr. HARRIS. Mr. President, I still say that it is a state wide improvement.

Mr. SHAPIRO. Mr. President, in other words, I should like to call to the attention of the members of the Senate to the fact that if it does not apply to cities of all classes and is specifically restricted in its terms— I think in the beginning of the "Act to provide for the safety of persons employed, housed or assembled in certain buildings and structures not in cities of the first class, second class and second class A".

Mr. HARRIS. Mr. President, the very argument of the Senator from Philadelphia, Mr. Shapiro, convinces me that it is highly desirable. The reason it applies to cities out-

side of the first and second classes is because the fire departments are volunteers and are not equipped to fight fires and to respond to them as readily as they do in the cities, and that is the reason that it does not apply to the cities.

Mr. WOODWARD. Mr. President, I simply want to suggest that after this bill is dropped from the calendar, that it be returned to its sponsor for further study.

Mr. THOMPSON (Centre). Mr. President, I think perhaps the purpose of this bill has not as yet been adequately explained. This bill requires that there be at the intake lead of every building using gas in the municipalities of the characters just mentioned here a moment ago, an automatic shut-off, which in case of fire will automatically shut off the gas, or can enable the gas to be manually turned off from the exterior of the building. Only yesterday a catastrophe happened in one of the northern communities of this State, I do not recall which one it is, where a life was lost by reason of a gas explosion in the interior of a building during a fire. If that building had been equipped with the apparatus provided for by his act, the life of that fireman would not have been lost. I am also reliably informed that similar catastrophies have happened right in this city of Harrisburg, and the purpose of this bill is to provide such buildings with equipment to prevent the recurrence of these catastrophies. Now this bill is an amendment to other legislation and, as I understand it, applies only to a certain class of buildings, namely, four-story buildings and larger buildings, which are under the supervision of the Department of Labor and industry. This apparatus is not a unique. There are any one of a number of such instruments that can be obtained. No one person has a monoply of such an instrument, and as I understand the bill it does not apply to residences. I say in view of these things I am at a loss to understand the opposition to this bill, when it does definitely have a great safety value.

Mr. OWLETT. Mr. President, for the information of the Senate, I would like to read the provisions of this bill and the subject under discussion.

"There shall also be attached to the intake pipe leading to each gas meter installed in buildings subject to the provisions of this Act a combination automatic and manually operated gas shut-off device approved by the Department of Labor and Industry."

Now it has got to be a combination automatically and manually operated gas shut-off device approved by the Department of Labor and Industry. We are in placing in that Department, if there is more than one of these devices manufactured, putting in the Department of Labor and Industry the right to require the owners of real estate affected to spend an amount that I have been told varies between $50. and $100. to take care of a condition of which there is no such need. There has been no demand for a hearing in this bill, no consideration of it. The sponsor himself admits that, he does not know the cost of the device or anything else about it. Now I ask the Senate to vote in favor of this motion to drop this bill from the calendar.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, if there has been no consideration of this bill, how has it got on this calendar for third and final reading?

Mr. OWLETT. Mr. President, I am told that the bill was reported out of Committee by mistake. In further answer to the Senator from Fayette, Mr. Cavalcante, I call the Senate's attention to the fact that I, or someone here on the floor, made a motion last night or this morning about three o'clock that this bill go back to committee, and that motion was voted down. That explains the fact that it is on third reading, because there was an attempt made yesterday to send it back to committee.

Mr. HARRIS. Mr. President, I am just as anxious as anyone here to find out whether or not this bill relates to a patented article, or patented device, and if the Senator from Bucks will withdraw his motion to strike this bill from the calendar; I will ask my colleague to allow this bill to go over in order, so that we can make some inquiry, and if it does apply to a certain patented device, I will help to defeat the bill on the floor, and if the Senator from Bucks will do that, then I will ask that it go over in its order. That will gives us twenty-four hours to find out, and if it is a proper bill, we still have time to pass it. I request the Senator from Bucks, Mr. Buckman, to withdraw his motion.

Mr. BUCKMAN. Mr. President, if I can receive any assurance from the Senate that there will be no objection to the bill going over in its order, I shall be glad to withdraw my motion.

Mr. HARRIS. Mr. President, I ask unanimous consent that Senate Bill No. 1530, go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. SHAPIRO. Mr. President, at the request of the Senator from Allegheny, Mr. Harris, I withdraw my objection.

Mr. THOMPSON (Centre). Mr. President, I object.

The PRESIDENT. The Chair hears objections.

Mr. BUCKMAN. Mr. President, I insist upon my motion that the bill be dropped from the calendar.

And the question recurring,

Will the Senate agree to the motion?

Mr. LAW. Mr. President, there seems to be some dispute about this bill as to what it covers. I notice that this bill is an amendment to an act of 1927, and in section 2 of that Act, it says:

"The following are the classes of buildings and structures which it is intended that this act shall cover:

(a) Factories of more than one story, power plants, mercantile buildings, hotels, office buildings, hospitals, asylums, public and private institutions, schools, colleges dormitories, warehouses and garages.

(b) Theatres and motion picture theatres.

(c) Public halls, dance halls, banquet halls, lodge halls, churches, skating rinks, armory halls, or any other auditorium not used for any of the other purposes mentioned in this act.

Tenement houses, apartment houses, apartment hotels, club houses, lodging houses, and rooming houses.

(e) Grandstands, stadiums and amphitheatres, summer theatres, observation towers, exhibition and fair buildings, amusement park equipment, roof gardens and roof structures."

I think that answers the question as to what buildings it covers.

Mr. TRAINER. Mr. President, if you just read the

last line of that bill, I think you will see that you are wasting a great deal of time. It is apparently an inefficient and ineffective article that is for sale. It says "to prevent and retard the escape of gas". We have had enough gas here already.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. HARRIS, and were as follows, viz:

YEAS—34

Batchelor,	Graff,	McCreesh,	Rupp,
Bean,	Harris,	McGinnis,	Salus,
Bennett,	Harvey,	Owlett,	Shapiro,
Buckman,	Homsher,	Pierson,	Sones,
Chapman,	Howell,	Prince,	Staudenmeier,
Clark,	Huffman,	Pytko,	Thompson,
Coyne,	Hunsicker,	Rankin,	(Westmoreland)
Ealy,	Kahle,	Reed,	Trainer,
Gelder,	Mallery,	(Washington)	Woodward,

NAYS—13

Aron,	Law,	Roberts,	Thompson,
Baumer,	McClure,	Rodgers,	(Centre)
Cavalcante,	Miller,	Sordoni,	Ziesenheim,
Frey,	Rice,		

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1585, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws six) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. THOMPSON (Centre). Mr. President, I hold in my hand two telegrams. In reading these telegrams into the record, I would like this discussion to be considered as applying on all of these bills from 1585 to 1595, inclusive, as they all practically pertain to the same thing. The first telegram reads as follows:

Oppose McClures measure to defer payment of gasoline money due various counties as your counties are badly in need of these funds.

R. M. HERSHEY, County Controller

and a second telegram as follows:

Centre county opposes McClure measure to defer repayment of gasoline money due various counties and oppose further diversion of highway fund.

BOYD C. VONADA, Clerk to Centre County Commissioners.

Mr. President, we went on record yesterday, wisely or unwisely, to spend our revenue before we get it. Now these bills are an attempt to postpone the payments of the just debts of this Commonwealth, which we solemnly pledged to repay by the 31st of December of this year. This movement started back in the legislature last September, in the Special Session, when the Special Session of this Legislature dodged their solemn duties to raise taxes for emergency needs of this Commonwealth, and in place of meeting their issues fairly and squarely, they transferred money from distressed school districts, from counties, townships, from boroughs and from almost anybody they could transfer money from to use for relief, when they should have levied taxes. At that time the Legislature of this State, and a great many of you gentlemen who sit in this Senate, last September gave their solemn pledge to the people of this Commonwealth that these funds would be returned by December 331st, of this year. We made a similar pledge in February of this year to the people of this State expect us to live up to that pledge and return these funds that belong to them and do not belong to us. Our counties need these liquid fuel taxes for county purposes and our boroughs need these license taxes, and there are distressed school districts in this State that need these fund that were taken from their districts. We sent these bills back to committee last week. Among them were two bills for the Firemen's Relief fund, #1588 and #1590, taking these moneys. The committee that returned these bills to the Senate floor did not have the courage to bring these same bills out from this committee, but they will take moneys from the counties and boroughs—they will take those moneys and violate their solemn pledges. I say, Mr. President, that it is the duty of every Senator in this body, in keeping his word to his constituency and all the people of Pennsylvania to vote against each one of these bills from 1585 to 1595, inclusive.

Mr. LAW. Mr. President, I also wish to read into the record telegrams as follows:

Hon Glenn R Law
State Senator Harrisburg Penna.

Oppose McClure measure deferring repayment of gasoline money to counties and further diversion of highway funds

Mercer County Commissioners.

Glen Law, State Senate
Harrisburg Penn

Vote against McClure measure deferring the repayment of gasoline money and diversion of highway fund

The Crawford County Commissioners.

That represents the attitude of the Commissioners in the two counties in my district in regard to this bill, and I may say further, for the benefit of the gentlemen on the right, that these are both Republican members of the Boards of County Commissioners.

BILL OVER IN ORDER

Mr .HUFFMAN. Mr. President, I think we have all received telegrams in respect to these bills on the calendar tonight. I, however, would like to ask that this bill go over in its order for the present, and that is to apply to all bills in this series of bills.

Mr. McCLURE. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, how long he desires to postpone action on these bills.

Mr. HUFFMAN. Mr. President, until a little later this evening.

Mr. McCLURE. Mr. President, will the Senator from Monroe fix the hour?

Mr. HUFFMAN. Mr. President, twelve o'clock.

Mr. McCLURE. Mr. President, I agree to that.

The PRESIDENT. Is there objection? The Chair hears none.

It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1626, entitled:

An Act providing for the escheat of certain dividends profits debts and interest on debts of associations and corporations doing business within this Commonwealth not engaged in the business of receiving deposits of money securities or other property for safe-keeping except building and loan associations and fiduciaries with interest actually accrued thereon to the date of the decree for the escheat of the same as well as the interest threon accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof and providing for the payment of fees and the procedure in the discovery and collection thereof and in connection therewith

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

BILL DROPPED FROM CALENDAR

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1626, the bill just read, be dropped from the calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1636, entitled:

An Act making an appropriation for the payment of the salaries of members of the Senate and House of Representatives elected to fill vacancies happening during the Session of the General Assembly of one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rupp,
Batchelor,	Harris,	Miller,	Salus,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Homsher,	Pierson,	Sordoni,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pyfko,	Thompson,
Cavalcante,	Hunsicker,	Rankin,	(Centre)
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Washington)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1286, as follows:

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat- rye- corn- and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" further prescribing what may be mixed and sold under the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls gound corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat- rye- corn- and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" as amended by section two of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred ninety) is hereby further amended to read as follows

Section 3 No foreign mineral substance or substances injurious to the health of domestic animals nor oat hulls oat feed oatmeal mill by-product clipped oat by-product ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks cocoa shells cocoanut shells weed seeds humus peat sand sawdust coffee hulls or other similar adulterants shall be mixed with any feeding-stuff sold offered or exposed for sale in this State Provided That nothing in this section shall be construed as prohibiting the use of mineral substances known to possess medicinal properties and that are not injurious to the health of domestic animals in compounding stock and poultry-food and patented proprietary or trade-marked stock and poultry-food And provided further That any feeding-stuff the crude fiber content of which does not exceed eleven per centum that may be found upon analysis to contain either oat hulls oat feed oatmeal mill by-product clipped oat by-product flax plant refuse elevator chaff cottonseed hulls ground cornstalks cocoa shells cocoanut shells or all of these ingredients shall not be considered adulterated with oat hulls oat feed oatmeal mill by-products clipped oat by-product flax plant refuse elevator chaff cottonseed hulls ground cornstalks cocoa shells or cocoanut shells within the meaning of this act And provided further That nothing in this act shall prohibit the

mixing with molasses and sale of any of the following viz cottonseed hulls oat hulls oat mill feed oatmeal mill by-product or ground corn stalks An provided further That nothing contained in this act shall prohibit the mixing of whole corn without being shelled with other whole grains or the admixture of ground corn cobs with exclusively corn feeds in such proportion as to keep the crude fiber content from exceeding eleven per centum

The use of any or all metal fasteners in fastening or attaching tags or cards to packages of feeding-stuffs is hereby prohibited

In addition to the requirements to section one of this act a statement shall be affixed to all packages or other containers of feeding-stuffs showing in the case of feed molasses the minimum percentage of total sugars which it contains and in the case of semi-solid buttermilk the minimum percentage of total solids which it contains

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Each and every manufacturer importer agent person corporation or firm selling offering or exposing for sale in this State any concentrated commercial feeding-stuffs as defined in section two of this act without the statement or statements required by section one of this act or to which is affixed a statement or guarantee which is false in any particular or in relation to which the provisions of all of the foregoing sections have not been fully complied with shall for every such offense forfeit any pay the sum of fifty dollars which shall be recoverable with costs including the cost of analysis by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable Provided That the Secretary of Agriculture shall together with his deputies agents and assistants be charged with the enforcement of this act and shall have free access to all places of business mills buildings carriages cars vessels and packages of whatsoever kind used in the manufacture importation or sale of any concentrated commercial feeding-stuffs and shall also have power and authority to open any package containing or supposed to contain any concentrated commercial feeding-stuffs and take therefrom [samples] a sample for analysis upon tending the value of [said samples] such sample and the party or parties interested or their representative shall be given an opportunity to be present when [said samples are] such sample is taken [Said samples] Each sample shall be [thoroughly mixed and then divided into two samples and] put in a glass [vessels] vessel and carefully sealed and a label placed upon [each] such vessel stating the name or brand of the feeding-stuff or material sampled the name of the manufacturer when possible the name of the party from whose stock the sample was taken the time and the place of taking the guaranteed analysis and other information relevant thereto said labels to be signed by the Secretary of Agriculture or his agent and by the party or parties interested or their representatives if present at the taking of the [samples One of said duplicate samples] sample The sample shall be retained by the Secretary of Agriculture or his agent [and the other shall be left with the party whose stock was sampled] The Secretary of Agriculture shall cause such samples as are secured by him under the provisions of this act as may seem to him proper to be analyzed within sixty days after said samples are received by the chief chemist and the results of the analysis of such samples together with such additional information as circumstances advise shall by his authority be published in reports or bulletins from time to time Provided That when the materials sampled are in packages the sample shall be taken from four separate packages And provided further That if the analysis of any sample does not differ from the guarantee more than ten per centum of the protein fat or fiber guaranteed the manufacturer shall be considered as having complied with the requirements of this act except when the percentage of either protein or fiber shall exceed twenty per centum and shall not be present in excess of thirty per centum in which case the variation allowed shall not exceed seven per centum of the guaranteed amount and also except when the percentage of either protein or fiber shall exceed thirty per centum in which case the variation allowed shall not exceed five per centum of the guaranteed amount

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1470, as follows:

An Act to amend section seven as amended and section eight of the act approved the twelfth day of June one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and to certain party offices including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed providing for the return thereof in certain cases and in other cases for the retention by or allocation among the counties interested and imposing duties upon the State Treasurer and the respective county treasurers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party offices including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred six) is hereby further amended to read as follows

Section 7 The nomination petitions in the case of candidates for the office of President of the United States Senator of the United States Member of the House of Representatives of the United States for all State offices for the office of delegate or alternate delegate to a National party convention and for the office of member of the State or National committee shall be filed at least fifty days prior to the primary with the Secretary of the Commonwealth Nomination petitions in all other cases shall be filed at least four weeks prior to the primary with the county commissioners of the respective counties

Nomination petitions of candidates shall be signed

(a) If for the office of President of the United States or a Senator of the United States by at least one hundred qualified electors in each of at least ten counties of the State

(b) If for a State office to be filled by a vote of the electors of the State at large for the office of Representa-

tive from the State at large in the Congress of the United States for the office of delegate or alternate delegate at large to a National party convention or for the office of member of the National committee by at least one hundred qualified electors in each of at least five counties of the State

(c) If for the office of a member of the House of Representatives of the United States to be filled by a vote of the electors of a congressional district or of delegate or alternate delegate to a National party convention other than delegate or alternate delegate at large or of judge of any court other than a court whose judges are to be elected by a vote of the electors of the State at large or of State Senator or of any municipal office to be filled by a vote of the electors of a senatorial district by at least two hundred qualified electors

(d) If for the office of a Member of the State House of Representatives or for the office of member of the State committee or an office to be voted for by the electors of the entire county by at least one hundred qualified electors except for the office of magistrate in cities of the first class in which case it must be signed by at least three thousand qualified electors

(e) If for the office of Inspector of election at least five qualified electors

(f) And for all other offices and all other party offices by at least ten qualied electors

No such nomination petition of any candidate for nomination shall be valid or effective unless there shall be filed therewith a certificate or certificates of the State Treasurer in the case of nomination petitions required to be filed with the Secretary of the Commonwealth or of the County Treasurer of the proper county in all other cases certifying that each of the candidates presented by such nomination petition has deposited with him as hereinbelow provided a sum of money equal to one-twelfth of the annual salary or compensation fixed by law for the office for which said candidate seeks the nomination or if the salary or compensation of said office is not fixed on an annual basis equal to one-twelfth the average annual compensation of said office for the four years next preceeding the year in which said nomination petition is filed Provided however That such deposit shall in no case be less than five dollars nor more than one thousand dollars No deposit made by any candidate in connection with his candidacy for the nomination of one party shall apply to validate or make effective his candidacy for the nomination of any other party but each candidate shall be required to make as many separate deposits as there are parties whose nominations he seeks No such deposit shall be required of candidate for the office of President of the United States

Such deposit shall in each case be upon condition that if the candidate shall at such primary poll a number of votes of the party whose nomination he seeks equal to ten per centum of the greatest number of votes of that party polled at such primary by any candidate in the elector district or division to which such nomination petition relates then such deposit shall forthwith be returned by the officer with whom the same was made in the candidate who made the same if such candidate shall not at such primary poll a number of votes of the party whose nomination he seeks equal to ten per centum as aforesaid such deposit shall be allocated by the State Treasurer to and among the several counties interested or retained by the county treasurer as the case may be according to the following rules if such deposit was made with the State Treasurer in connection with a candidacy to be voted on by the electors of one county or part of one county all of the deposit shall be paid to the county treasurer of such county if the deposit was made to the State Treasurer in connection with a candidacy to be voted on by the electors of two or more counties or parts of two or more counties then such deposit shall be allocated among all such counties and paid to the county treasurers thereof in the proportion of the vote of such party polled by such candidate in each such county to the vote of such party polled by such candidate in the entire electoral district or division in which he was a candidate if the deposit was made to a county treasurer it shall be retained by such county treasurer In all cases where under the provisions of this act any deposit or part of a deposit is paid to or retained by a county treasurer such funds shall forthwith be deposited to the credit and become part of the general fund of such county to reimburse such county in part for the direct and indirect expenses imposed on such county by such candidacy and shall be subject to disbursement in the same manner and for the same purposes as other county funds are by law disbursable

Section 2 That section eight of said act is hereby amended to read as follows

Section 8 No nomination petition shall be refused or set aside except for

(a) Material error or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of sufficient number of genuine signatures of persons qualified with respect to age sex residence and citizenship to be electors

(d) The failure to file with it a certificate of the State Treasurer or the proper county treasurer as required by section seven of this act as amended certifying the deposit with him of an adequate sum of money as prescribed by said section

The invalidity of any sheet of a petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet

Applicaion to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed setting forth specifically the matters objected to and must be filed within five days after the last day for filing said nomination petition Upon the presentation of such a petition the court shall make an order fixing a time for hearing which which shall not be later than ten days after the last day for filing said nomination petition and specifying the time and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside

If the matters objected to are such as are specified in subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to payment of costs as the said court may specify

In case the petition to set aside a nomination petition is dismissed the petitioner shall pay the whole of the costs of the proceeding including all witness fees

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediatelv upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 1286.

Mr. FRY. Mr. President, I move to reconsider the vote by which Senate Bill No. 1286, entitled:

An Act to amend section three, as amended, and section five of the act approved the third day of May, one thousand nine hundred and nine (P. L. 395), entitled "An act regulating the sale of concentrated commercial feeding-stuffs, also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food, possessing nutritive value combined with medicinal proprieties; defining concentrated commecrial feed-stuffs; prohibiting the adulteration of any feeding-stuffs, sold, offered, or exposed for sale, in this State, with oat hulls, ground corn cobs, flax plant refuse, elevator chaff, cotton-seed hulls, ground corn stalks, rice hulls, peanut hulls, weed seeds, or other similar adulterants; providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, fixing penalties for

its violation, and repealing act number two hundred and eleven (Pamphlet Laws ,one thousand nine hundred and seven, page two hundred and seventy-three), entitled 'An act regulating the sale of wheat-, rye-, corn-, and buckwheat-bran and middlings, or any admixture thereof,' et cetera, approved the twenty-eighth day of May, one thousand nine hundred and seven," further prescribing what may be mixed and sold under the provisions of the act.

was ordered to be transcribed for third reading.

Mr. LAW. Mr. President, I second the motion

The motion was agree to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The third and second sections of the bill were separately reconsidered.

The first section of the bill was reconsidered.

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to Amend Section 1, page 4, lines 7 and 8, by striking out with heavy-faced brackets the words "any of the following viz cotton-seed hulls oat hulls"; also lines 8 and 9, by striking out with heavy-faced brackets the words "oatmeal mill by-product or ground corn stalks"; also line 23, by inserting after the word "solids" the follows: and in the case of oat mill feed and per centage of oat mill feed and molasses

Mr. LAW. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read and agreed to.

An said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1515, as follows:

An Act to amend the title and the act approved the twenty-third day of May one thousand nine hundred and seven (Pamphlet Laws two hundred twenty-seven) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husband" as amended extending said rights to children abandoned by a father

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-third day of May one thousand nine hundred and seven (Pamphlet Laws two hundred twenty-seven) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husband is hereby amended to read as follows

An Act relating to husband [and] wife and children and to enlarge the rights and remedies of married women and abandoned children in case of desertion and non-support by husband or father

Section 2 That section one of said act as amended by the act approved the twenty-seventh day of April one thousand nine hundred and nine (Pamphlet Laws one hundred eighty-two) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That if any man shall separate himself from his wife or dependent child or children or both without reasonable cause and being of sufficient ability shall neglect or refuse to provide suitable maintenance for his said wife or dependent child or children such wife or a relative or the guardian of such child or children shall be and [is] are hereby empowered to bring [her] an action at law or in equity against such husband or father for maintenance in the court of common pleas of the county where the desertion occurred or where [she] the wife child or children [is] are domiciled and the said court shall have power to entertain a bill in equity in such action and shall make and enforce such orders and decrees as the equities of the case demand and in such action at law or in equity the husband [and] wife child children relative and guardian shall be fully competent witnesses

Section 3 That section two of said act as last amended by the act approved the twenty-first day of July one thousand nine hundred and thirteen (Pamphlet Laws eight hundred sixty-seven) is hereby further amended to read as follows

Section 2 Whenever any man has heretofore separated or hereafter shall separate himself from his wife or dependent child or children without reasonable cause or whose whereabouts are unknown and being of sufficient ability has neglected or refused or shall neglect or refuse to provide suitable maintenance for his said wife child or children proceedings may be had against any property real or personal of said husband or father necessary for the suitable maintenance of the said wife child or children and the court may direct a seizure and sale or mortgage of sufficient of such estate as will provide the necessary funds for such maintenance and service upon the defendent shall be made in the manner provided in the act of General Assembly entitled "An act to authorize the execution of process in certain cases in equity concerning property within the jurisdiction of the court and on the defendants not resident or found therein" approved the sixth day of April one thousand eight hundred and fifty-nine (Pamphlet Laws three hundred eighty-seven)

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1581, as follows:

An Act to enable county commissioners in counties of the second class to issue sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in every county of the second class the county commissioners are hereby authorized and directed for the purpose of enabling any corporation and body politic having the control and management of a work house and inebriate asylum to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by such corporation to issue bonds and to sell and dispose of the same in the manner provided by law and pay over the proceeds thereof to the said corporation for any of the purposes aforesaid

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 979 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 979, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primariies; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; providing for the appointment of registration commissioners for such cities; and prescribing their powers and duties of registrars, inspectors of registration and other appointees of such commissions, election officers, municipal officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers and registrars of vital statistics; and imposing penalties.

and has appointed Messrs. Blumberg, Scanlon and Long as a Committee of Conference to confer with a similar committee) of the Senate (if the Senate shall appoint such committee to consider the differences existing between the two houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. HUNSICKER. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Offered, That Messrs. Aron, Hunsicker and Pytko be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEES

Mr. McCLURE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE, from the Committee on Judiciary General reported as amended, Senate Bill No. 1077 (House Bill No. 1905) entitled:

An act to amend the title and further amend the act approved the first day of June one thousand nine hundred fifteen (P. L. 661) entitled "An act relating to the maintenance of insane feeble-minded and other prsons confined in the various institutions of the Commonwealth fixing the liability for their support providing for the collection of the moneys due the Commonwealth therefore and for proceedings relating thereto" by extending the provisions of said act to the cases where counties and poor districts are in whole or in part liable for the expense of the maintenance defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth counties and poor districts for the maintenance and support of insane feeble-minded and other persons confined in various institutions of the Commonwealth.

BILLS ON SECOND READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the consideration of the remaining bills on the second reading calendar in their order.

Mr. RODGERS. Mr. President, I second the motion

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 680, (House Bill No. 1227), entitled:

An Act authorizing the court of quarter sessions to stay sales of goods and chattels distrained upon by sureties of defauling tax collectors and providing a procedure to exonerate the sureties where delinquent taxpayers are unable to pay taxes and to dirct satisfaction of the taxes charged in duplicates where it appears such taxes have been paid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 778 (House Bill No. 934), entitled:

An Act to amend section two of the act approved the twenty-second day of April one thousand eight hundred and seventy-four (Pamphlet Laws one hundred nine) entitled "An act to provide for the submission of civil cases to the decision of the court and to dispense with trial by jury" providing that upon request of counsel the decision of the court in such cases shall state separately the facts found the answers to points submitted and the conclusion of law

And said bill having been read a length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 799 (House Bill No. 1070), as follows:

An Act to amend sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" requiring one years residence in the ward for the commissioner elected from a ward regulating the terms of office of certain commission officers and providing for a special tax on fire districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and four seven hundred and one and clause fifteen of section one thousand five hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and

thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 504 Number and Election of Commissioners in Townships Having Wards In townships having less than five wards the number of commissioners shall be five One such commissioner shall be elected from each ward and the remaining number of commissioners to which the township is entitled shall be elected at large In townships having five or more wards one commissioner shall be elected from each ward Commissioners shall reside in the ward from which elected and shall have resided in said ward continuously for at least one year before their election Township commissioners shall be elected at municipal elections preceding the expiration of the terms of commissioners then in office for terms of four years each from the first Monday of January succeeding their election At the election in the year one thousand nine hundred and thirty-one the commissioners from odd-numbered wards shall be elected and at the election in the year one thousand nine hundred and thirty-three those from even-numbered wards shall be elected Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large

Section 701 Organization Failure to Organize The township commissioners shall organize on the first Monday of January of each even-numbered year They shall assemble for such purpose at their place of meeting at seven-thirty o'clock post meridian Until otherwise designated by ordinance the place of meeting shall be the oldest polling place in the township

The board shall organize by the election of one of their number as president and one as a vice president who as long as they continue to be commissioners shall hold office until their successors are elected and qualified The president or in his absence the vice president shall preside at all meetings of the board and perform such other duties as are specified in this act or which may be prescribed by ordinance

If a majority of the commissioners shall not attend at the organization meeting those present may adjourn the meeting day to day until a majority attend

If the township commissioners of any township shall fail to organize within ten days from the time prescribed by this section the court of quarter sessions upon the petition of ten taxable inhabitants verified by the affidavit of five of the petitioners shall issue a rule upon the delinquent or delinquents to show cause why their seats should not be declared vacant The rule shall be returnable not less than five days from the time of its issue and after hearing the court may declare the seats of any delinquent vacant and appoint others in their stead to hold office until a successor is elected for the unexpired term at the next municipal election occurring at least sixty days thereafter

XV Fire and Water Districts Bond Issues and Taxes To create by ordinance fire and water districts in any portion or portions of townships when in their opinion the same is necessary for the safety and convenience of the inhabitants of said township to issue bonds restricted to the districts so created for the purpose of procuring and maintaining the necessary supply of water to said district and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued In lieu of the foregoing provisions relating to the issue of bonds the township commissioners may charge for any such water supply by an assessment of a special water or fire tax on all surface properties located in the water or fire district which tax shall be based on the assessment for county purposes as established for general taxation Such tax may be levied for a single year or for a term of years as the township commissioners may determine but in the case of fire districts shall not exceed two mills per annum and shall be collected in the same manner as other taxes Provided also That in lieu of the foregoing provisions that in all cases where said township shall have established a water system and shall construct main water lines in said township the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines upon any streets alley and thoroughfares adjacent to main lines or such portion of the cost of construction as the board may deem proper upon the properties benefitted or accommodated thereby The ordinance providing for such charge shall be adopted by the board within six months from date of the final completion of such system of water lines Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 871 (House Bill No. 1689), entitled:

An Act to amend section thirty-eight of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" requiring more specific statements in the return of writs of summons

And said bills having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 984 (House Bill No. 1565), entitled:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by requiring records of poor districts to be open to inspection

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 221 MEETING RECORD OF PROCEEDINGS Such directors of the poor shall meet at least once a month at the poorhouse visit the apartments inspect the management of the work upon and about the real estate see that the poor are properly treated and hear all complaints and cause all grievances that may happen by neglect to be redressed They shall keep a record of their proceedings which shall be evidence of their action in any subsequent judicial proceedings The minute book and other records and documents of every poor district shall be open to the inspection of any taxpayer thereof but the proper officers may make reasonable rules and regulations respecting the time and place of such inspection

On the question,

Will the Senate agree to the section?

Mr. SORDONI. Mr. President, I move to amend section 1, page 2, lines 20, 21 and 22, by striking out with heavy-faced brackets the words "but the proper officers may make reasonable rules and regulations respecting the time and place of such inspection"

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

Mr. EALY. Mr. President, I have no interest in these bills of this amendment, but the amendment as placed in the bill in committee was after due consideration, and the amendment that was placed therein meets with the approval of all persons interested in this bill, except only the Senator from Luzerne, Mr. Sordoni. I ask, therefore, that this amendment be voted down.

Mr. SORDONI. Mr. President, I, therefore, ask that this amendment be voted down. Senator Ealy just mentioned that he was not inerested in this bill or the amendment. I am interested in the bill and the amendments. The amendments seem reasonable, but as I said the other night in one of my many talks on the floor of the Senate, that it was not the particular law that I was interested in, but the manner in which it was enforced. This amendment provides that the proper officers make rules and regulations in respect to the time and place of such inspection. The proponents of this bill are under the impression that some of the officers in connection with this piece of legislation might make rules and regulations that would not be reasonable in any means. Now, the only amndment to this entire Act is the following:

"The minute books and other records and documents of all other poor districts shall be open to inspection of any taxpayer thereof."

There is no reason that I can see that the minute books and other records and documents should not be open for the inspection of the public, and I hope the Senate will adopt the amendment.

Mr. EALY. Mr. President, in the Committee on County Government there were certain bills introduced providing for the records of poor districts to remain closed. There also was this bill introduced which provided that the minute books, records and documents of every poor district should be open for the inspection of every taxpayer, and the committee, after discussion, and with the consent of all persons who seemed interested in this bill except the Senator from Luzerne, Mr. Sordoni, added to that amendment: "But the officers may make reasonable rules and regulations in respect to the time and place for making such inspection".

I cannot see any reason why we should strike out the addition that was made in Committee, and I ask that the Senate vote it down.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. SORDONI and Mr. GELDER and were as follows, viz:

YEAS—19

Bennett,	Kable,	Prince,	Roberts,
Cavalcante,	Law,	Rankin,	Sones,
Frey,	McClure,	Reed, (Washington)	Sordoni,
Gelder,	McGinnis,	Rice,	Thompson, (Centre)
Harris,	Miller,		
Harvey,			

NAYS—20

Batcheler,	Ealy,	Pytko,	Thompson, (Westmoreland)
Bean,	Graff,	Rodgers,	Trainer,
Buckman,	Homsher,	Salus,	Woodward,
Chapman,	Hunsicker,	Shapiro,	Ziesenheim,
Clark,	Mallery,	Staudenmeier,	
Coyne,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the section?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section two hundred and twenty-one of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" by requiring records of poor districts to be open to inspection

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 985 (House Bill No. 1566), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto the following section

Section 111 Records Open to Inspection The minute book and other records and documents of every county shall be open to the inspection of any taxpayer thereof but the proper officers may make reasonable rules and regulations respecting the time and place of such inspection

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 1, page 2, line 4, by inserting after the word "other" the following: fiscal; also page 2, line 5, by striking out with heavy-faced brackets the word "shall" and insert in lieu thereof may; also page 2, line 8, by inserting after the word "inspection" the following: In case any officer shall refuse to permit the inspection of any fiscal record or document, the taxpayer may, by petition to the court of

common pleas of the county, set forth his reasons for desiring to make such inspection, and if the court deems such reasons proper, it shall order the officer to permit the inspection to be made.

Mr. KAHLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

The title of the bill was read as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection

On the question,

Will the Senate agree to the title?

Mr. LAW. Mr. President, I move to amend title, page 1, line 7 of title, by striking out the words "requiring county records to be open to inspection" and insert in lieu thereof: providing for the inspection of fiscal records and documents by taxpayers

Mr. KAHLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered To be transcribed for a third reading.

Agreeably to order.

The rule requring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1044 (House Bill No. 1749), entitled:

An Act to amend sections eight hundred and twelve and eight hundred and twenty-one as amended of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for a burgess and members of council in consolidated boroughs and terminating the term of certain of said officers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1079 (House Bill No. 1979), entitled:

An Act to amend section five of the act approved the 5th day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred ninety-eight) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" as amended providing for the removal of certain court clerks only with the approval of a majority of the judges of said court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1126 (House Bill No. 2225), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by further regulating the affairs of boroughs and revising amending and changing the law relating thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1157 (House Bill No. 1904), as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by increasing the number and further prescribing the qualifications of the members of the Workmen's Compensation Board further defining the powers and duties of such board and its members and further prescribing the qualifications of Workmen's Compensation Referees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred forty-one four hundred forty-two two thousand two hundred eight and two thousand two hundred thirteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the

administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and mommissions shall be determined" are hereby amended to read as follows

Section 441 Workmen's Compensation Board The Workmen's Compensation Board shall consist of [three] five members [of whom] Of the five members three shall be learned in the law and two shall be licensed and qualified under the laws of this Commonwealth to practice medicine and surgery not more than one of whim shall be a member of the same state medical society [the] The Governor shall designate one member of the board as chairman The Secretary of Labor and Industry shall ex officio a member of the board [Two] Three members of the board shall be a quorum and no action of the board shall be valid unless it shall have the concurrence of at least [two] three members A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board

The Secretary of Labor and Industry with the approval of the Governor shall appoint a secretary to the Workmen's Compensation Board who shall receive such salary as the Secretary of Labor and Industry with the approval of the Governor shall determine

The Chairman of the Workmen's Compensation Board shall receive a salary at the rate of nine thousand dollars per annum The other members of the board except the Secretary of Labor and Industry shall receive salaries at the rate of eight thousand five hundred dollars per annum

The chairman of the board shall have the power as often as he may deem the work of the board requires to designate the time and place for the conducting of investigations inquiries hearings and appeals and to assign cases to a member or members for hearing investigation inquiry study or other similar purpose except appeals

Section 442 Workmen's Compensation Referees There shall be in the Department of Labor and Industry as many Workmen's Compensation Referees all of whom shall be learned in the law as in the judgment of the Governor and of the Secretary of Labor and Industry shall be necessary properly to administer the workmen's compensation laws of the Commonwealth Such referees shall be subject to the direction and control of the Workmen's Compensation Board The board shall assign them to the various workmen's compensation districts and shall prescribe from time to time the duties to be performed by them

Each Workmen's Compensation Referee shall receive a salary at the rate of five thousand dollars per annum

Section 2208 Workmen's Compensation The Department of Labor and Industry shall have the power and its duty shall be

(a) To administer and enforce the laws of this Commonwealth as now existing or hereafter enacted relating to workmen's compensation provided however That the Workmen's Compensation Board and the Workmen's Compensation Referees shall perform their respective duties independently of the Secrtary of Labor and Industry or any other official of the department except that all clerical stenographic and other assistance required by the Workmen's Compensation Board and the several Workmen's Compensation Referees shall be appointed by the department as provided in this act

(b) To receive and classify reports of all accidents to receive and approve or disapprove agreements supplemental agreements receipts and final receipts and other papers in workmen's compensation cases which have heretofore been subject to approval by the Workmen's Compensation Board and to notify the parties of its approval or disapproval within thirty days after receipt of such agreements supplemental agreements receipts final receipts or other papers as provided by law

(c) To follow up all cases in which workmen's compensation agreements shall have been filed and see that such agreements are fulfilled in accordance with the provisions thereof and the laws of this Commonwealth

(d) To advise injured workmen of their rights under the workmen's compensation laws

(e) From time to time to divide the State into such number of workmen's compensation districts as it may with the approval of the Executive Board deem advisable for the proper administration of the workmen's compensation laws

(f) To receive and refer to the Workmen's Compensation Board claims in contested cases and mail decisions of the Workmen's Compensation Board and of Workmen's Compensation Referees in all contested cases to claimants and defendants

(g) To render to the Workmen's Compensation Board any reasonable assistance requested by the board in the conduct of its work

(h)(Except in cases in which the Commonwealth's liability therefor is covered by insurance to prepare and issue to the Auditor General certificates or requisitions for the payment of workmen's compensation to injured employes of the Commonwealth

Section 2213 Workmen's Compensation Referees Subject to any inconsistent provisions in this act contained each Workmen's Compensation Referee shall have the power and his duty shall be to hear such claims for compensation as shall be assigned to him by the Workmen's Compensation Board and to perform such other duties as shall be required of him by the Workmen's Compensation Board or imposed upon him by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1167 (House Bill No. 1109), entitled:

An Act requiring specifications for the construction alteration or repair of public works of the Commonwealth county municipality or other subdivisions of the Commonwealth to contain a provision that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. HUFFMAN. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

MOTION TO RECONSIDER

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 985 (House Bill No. 1566), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring county records to be open to inspection.

passed second reading.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I wanted to ask that a roll call be had on the amendments. That would have been proper, but the Chair did not hear the request for a roll call.

Mr. HUFFMAN. Mr. President, I think that the Senator from Philadelphia will be perfectly satisfied with the amendments. They do not kill the bill at all. I talked to people about it and they are satisfied with the amendments.

Mr. SHAPIRO. Mr. President, I have talked to people who are dissatisfied with the amendments.

Mr. HUFFMAN. Mr. President, this is one of a series of bills on the calendar. They have all been amended and this one has been amended precisely as the others have been amended, except that I think I put an addition in that makes this one bill better than the others, to wit: it allows the petitioner to go into Court and get a rule, while the other bills stand here with the possibility of having to go into Court and examine the records. I say that in the bill submitted, my amendments are precisely the same as in two other bills, and I, therefore, ask that these amendments be sustained. I have taken this up with the Chairman of this committee, I have spent a good deal of time on it; I saw three members of the association here, and they are all satisfied with the amendments.

Mr. SHAPIRO. Mr. President, my reason for asking to reconsider the vote by which the bill passed second reading is because the effect of this amendment is that there will be no mandatory duty on the part of the Board to permit an inspection by everyone that wants an inspection will have to file a petition as the bill stands. They can be mandamused to permit an investigation of their books. The inspection, as the amend provides, it will be necessary to file a petition to set forth reasons, and we would be in the same position that we are now, and I therefore ask the Senate to reconsider this bill and vote down the amendments.

Mr. HUFFMAN. Mr. President, I wish to controvert the statement made. The amendment says it gives the right to a taxpayer to examine the records, and if refused, he may go into Court with a petition and get an order. I ask that the amendment be sustained.

And the question recurring,

Will the Senate agree to the motion?

The motion was not agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1585, on third reading entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6) entitled "An act transferring money from the Liquid Fuels Tax to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1585, entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6) entitled "An act transferring money from the Liquid Fuels Tax to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Senate Bill No. 1585 is one of a series of bills which I introduced last week. The purpose of the introduction of those bills at that time seemed not to be understood by some of the Republican Senators and also some of the Democratic Senators. I, therefore, had them recommitted to the Committee on Finance. These bills only make the fiscal affairs of the Commonwealth more flexible than they are at the present time. I have not asked the committee to report out the other bills diverting money from any funds. These bills only represent a continuation of the existing diversions which have already been made. It seems to me that the County Commissioners of the different counties are not taking exactly the right attitude in connecion with these bills. They ought to have in mind the Federal Government and the State Government bearing the largest part of the burden for relief, practically all of it, and while they are denied temporarily the use of these funds, during the first year of the biennium, possibly from receiving all the money due them, it will only require on their part a small interest charge.

I received a telegram similar to those of the other Senators, and it was replied to as I have replied here tonight, therefore, I ask the Republican and Democratic Senators here to pass these bills in order to give the Governor an opportunity, if he sees fit, to extend the time to return these funds for as far a period ahead as May 31, 1937, if the funds cannot be returned before that time.

Mr. HUFFMAN. Mr. President, I do not like to vote for these bills and the succeeding bills any more than anyone else does, because my people out home need their share of these funds, and the only excuse I have for voting for these bills is the very happy one that if we do not extend the time, as the financial situation is at this period, the Governor of the State will be in default. There are no funds here and there have been no funds provided, as I see the situation, to pay these funds back where they belong. There not being any money here, I think it is more honorable, and with more propriety, we can extend the time to allow these past-due bills to remain as past-due bills or debts.

There is a provision being made, as I understand it, or an attempt being made to arrange to borrow some money to an amount of $50,000,000.00, and if the Supreme Court sustains that move, we will be able, in spite of these expenses, to pay back these funds in a few months. I say

that under the present condition there does not seem to be anything else to do but to extend the time to pay these obligations.

And the question recurring,

Sall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Aron,	Huffman,	Pytko,	Rupp,
Baumer,	Hunsicker,	Rankin,	Salus,
Bean,	Kahle,	Reed,	Shapiro,
Buckman,	Law,	(Dauphin)	Sones,
Chapman,	McClure,	Reed,	Sordoni,
Clark,	McCreesh,	(Washington)	Staudenmeier,
Coyne,	McGinnis,	Rice,	Trainer,
Homsher,	Owlett,	Roberts,	Woodward,
Howell,	Pierson,	Rodgers,	

NAYS—15

Batchelor,	Gelder,	Miller,	Thompson,
Bennett,	Graff,	Prince,	(Westmoreland)
Cavalcante,	Harris,	Thompson,	Ziesenheim,
Ealy,	Harvey,	(Centre)	
Frey,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1586.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1586, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws seven) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Baumer,	Huffman,	Pytko,	Rupp,
Bean,	Hunsicker,	Rankin,	Salus.
Buckman,	Kahle,	Reed,	Shapiro,
Chapman,	Law,	(Dauphin)	Sones,
Clark,	McClure,	Reed,	Sordoni,
Coyne,	McCreesh,	(Washington)	Staudenmeier,
Graff,	McGinnis,	Rice,	Trainer,
Harris,	Owlett,	Roberts,	Woodward,
Homsher,	Pierson,	Rodgers,	Ziesenheim,
Howell,			

NAYS—12

Batchelor,	Frey,	Miller,	Thompson,
Bennett,	Gelder,	Prince,	(Westmoreland)
Cavalcante,	Harvey,	Thompson,	
Ealy,	Mallery,	(Centre)	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1587.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1587, entitled:

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws eight) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Batchelor,	Harris,	McGinnis,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Buckman,	Huffman,	Pytko,	Sones,
Chapman,	Hunsicker,	Rankin,	Sordoni,
Clark,	Kahle,	Reed,	Staudenmeier,
Coyne,	Law,	(Dauphin)	Trainer,
Gelder,	McClure,	Rice,	Woodward,
Graff,	McCreesh,	Roberts,	Ziesenheim,

NAYS—12

Bennett,	Harvey,	Reed,	Thompson,
Cavalcante,	Mallery,	(Washington)	(Centre)
Ealy,	Miller,	Rodgers,	Thompson,
Frey,	Prince,		(Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1589.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1589, entitled:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (App. Acts Act No. 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Aron,	Howell,	Pierson,	Salus,
Baumer,	Huffman,	Pytko,	Shapiro,
Bean,	Hunsicker,	Rankin,	Sones,
Buckman,	Kahle,	Reed,	Sordoni,
Chapman,	Law,	(Washington)	Trainer,
Clark,	McClure,	Rice,	Woodward,
Coyne,	McCreesh,	Roberts,	Ziesenheim,
Homsher,	McGinnis,	Rupp,	

NAYS—19.

Batchelor,	Graff,	Owlett,	Staudenmeier,
Bennett,	Harris,	Prince,	Thompson,
Cavalcante,	Harvey,	Reed,	(Centre)
Ealy,	Mallery,	(Dauphin)	Thompson,
Frey,	Miller,	Rodgers,	(Westmoreland)
Gelder,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1591.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1591, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Aron,	Homsher,	Pierson,	Rupp,
Baumer,	Howell,	Prince,	Salus,
Bean,	Huffman,	Pytko,	Shapiro,
Buckman,	Hunsicker,	Rankin,	Sones,
Chapman,	Kahle,	Reed,	Sordoni,
Clark,	Law,	(Dauphin)	Staudenmeier,
Coyne,	McClure,	Reed,	Trainer,
Gelder,	McCreesh,	(Washington)	Woodward,
Graff,	McGinnis,	Rice,	Ziesenheim,
Harris,	Owlett,	Roberts,	

NAYS—11

Batchelor,	Ealy,	Mallery,	Thompson,
Bennett,	Frey,	Miller,	(Centre)
Cavalcante,	Harvey,	Rodgers,	Thompson,
			(Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1592.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1592, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the same for the return of the transferred money

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Aron,	Homsher,	Owlett,	Roberts,
Baumer,	Howell,	Pierson,	Rupp,
Bean,	Huffman,	Prince,	Salus,
Buckman,	Hunsicker,	Pytko,	Shapiro,
Chapman,	Kahle,	Rankin,	Sones,
Clark,	Law,	Reed,	Sordoni,
Coyne,	Mallery,	(Dauphin)	Staudenmeier
Gelder,	McClure,	Reed,	Trainer,
Graff,	McCreesh,	(Washington)	Woodward,
Harris,	McGinnis,	Rice,	

NAYS—11

Batchelor,	Ealy,	Miller,	Thompson,
Bennett,	Frey,	Rodgers,	(Westmoreland)
Cavalcante,	Harvey,	Thompson,	Ziesenheim,
		(Centre)	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1593.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1593, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropirating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Aron,	Howell,	Owlett,	Rupp,
Baumer,	Huffman,	Pierson,	Salus,
Bean,	Hunsicker,	Pytko,	Shapiro,
Buckman,	Kahle,	Rankin,	Sones,
Chapman,	Law,	Reed,	Sordoni,
Clark,	McClure,	(Dauphin)	Staudenmeier,
Coyne,	McCreesh,	Rice,	Trainer,
Homsher,	McGinnis,	Roberts,	Woodward,

NAYS—17

Batchelor,	Gelder,	Miller,	Thompson,
Bennett,	Graff,	Prince,	(Centre)
Cavalcante,	Harris,	Reed,	Thompson,
Ealy,	Harvey,	(Washington)	(Westmoreland)
Frey,	Mallery,	Rodgers,	Ziesenheim,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1594.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1594, entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts Act No. 10-A) entitled "An act transferring money from the Motor license Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Aron,	Homsher,	McGinnis,	Salus,
Baumer,	Huffman,	Pierson,	Shapiro,
Bean,	Hunsicker,	Rankin,	Sones,
Buckman,	Kahle,	Rice,	Sordoni,
Chapman,	Law,	Roberts,	Trainer,
Clark,	McClure,	Rupp,	Woodward,
Coyne.	McCreesh,		

NAYS—20

Batchelor,	Graff,	Prince,	Staudenmeier,
Bennett,	Harris,	Reed,	Thompson,
Cavalcante,	Harvey,	(Dauphin)	(Centre)
Ealy,	Mallery,	Reed,	Thompson,
Frey,	Miller,	(Washington)	(Westmoreland)
Gelder,	Owlett,	Rodgers,	Ziesenheim,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1595.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1595, entitled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws five) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amonuts transferred.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Aron,	Howell,	Pierson,	Sones,
Baumer,	Huffman,	Pytko,	Sordoni,
Bean,	Hunsicker,	Rankin,	Thompson,
Buckman,	Kahle,	Rice,	(Westmoreland)
Chapman,	Law,	Roberts,	Trainer,
Clark,	McClure,	Rupp,	Woodward,
Coyne,	McCreesh,	Salus,	Ziesenheim,
Homsher,	McGinnis,	Shapiro,	

NAYS—18

Batchelor,	Gelder,	Miller,	Reed,
Bennett,	Graff,	Owlett,	(Washington)
Cavalcante,	Harris,	Prince,	Rodgers,
Ealy,	Harvey,	Reed,	Staudenmeier,
Frey,	Mallery,	(Dauphin)	Thompson,
			(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Mr. REED. Mr. President, I desire to call up at this time Senate Bill No. 147, bill concurring House amendments.

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 147, entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by inserting after the preposition "for" the following: "and regulating subject to certain restrictions limitations and liabilities"; also line 2 of title by striking out after the word "person" the following: "destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and"; and inserting in lieu thereof the following: "providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind"; also section 1 page 1 line 3 by striking out after the word "same" the words "That subject" and inserting in lieu thereof the following: "That this act shall be administered by the Department of Welfare of this Commonwealth and the Boards of Trustees of the Mothers' Assistance Funds of the several counties who when acting under the provisions of this act shall be known as Boards of Trustees of Pension Fund for the Blind.

In the event that any county shall not have a Board of Trustees of the Mothers' Assistance Fund because of the failure of such county to have accepted the provisions of the Mothers' Assistance Act the trustees of the Old Age Assistance Fund of the county if any shall have the duties and powers of and shall be the trustees for the Pension Fund for the Blind If there shall be neither a Board of Trustees of the Mothers' Assistance Fund nor a Board of Trustees of the Old Age Assistance Fund in the county the Governor shall appoint a board of trustees composed of seven residents of the county who shall be called a Board of Trustees of Pension Fund for the Blind If at any time thereafter a Board of Trustees of a Mothers' Assistance Fund shall be appointed for such county it shall immediately take over the work of the Board of Trustees of Pension Fund for the Blind and this act shall be administered as in other counties

Any trustees of the Pension Fund for the Blind appointed under the provisions of this section shall hold office for a term of six years or until a Board of Trustees of the Mothers' Assistance Fund has been appointed in their county

The Department of Welfare shall have the power and its duties shall be to set up rules and regulations for the administration of this act with the approval of the Welfare Commission

Section 2 Such supervisors and assistants as shall be necessary to exercise general supervision over the administration of this act shall be appointed by the Secretary of Welfare subject as in other cases to the approval by the Governor of the number and compensation of such supervisors and assistants

Section 3 The boards of trustees in the several counties shall appoint such additional investigators and clerical assistants as may be necessary to enable them to distribute pensions for the blind in their respective counties but as far as possible the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act At no time shall the additional expense of administering this act in any county exceed in amount six per centum of the allocation to such county from the appropriation for pensions for the blind

Section 4 Subject"; also line 8 by striking out at the beginning of the line the following: "is destitute of the sense of seeing" and inserting in lieu thereof the following: "has three-sixtieth or ten two-hundredths or less normal vision"; also line 9 by striking out the word "ten" and inserting in lieu thereof the word "five"; also line 10 by striking out the following: "or has become blind after becoming a resident of the Commonwealth" and inserting in lieu thereof the following: "during the nine years immediately preceding his or her application for a pension and has resided therein continuously for one year immediately preceding the application"; also page 2 by striking out the first four lines of section 2 and inserting in lieu thereof the following: "Section 5 (a) All applications for pensions under this act shall be made to the Board of Trustees of Pension Fund for the Blind of the county in which the applicant resides in such form as the Department of Welfare may prescribe No applicant shall be approved until the board of trustees is satisfied after proper investigation that the applicant is entitled thereto under the provisions of this act and particularly not until an opthalmologist certificated by the American Board of Ophthalmic Examinations or an oculist duly licensed to practice in Pennsylvania and actively engaged in treatment of the human eye shall have certified in writing as to the diagnosis prognosis and visual acuity of the applicant Any individual whose claim for a pension is denied shall be given an opportunity for a fair hearing before the Department of Welfare"; also by striking out the article 3 at the beginning of line 19 and inserting in lieu thereof the article "A"; also by striking out all of lines 22 to 25 inclusive; also by striking out "(d)"; also page 3 by striking out all of sections 3 and 4 and inserting in lieu thereof the following: "Section 6 The Board of Trustees of Pension Fund for the Blind of a county may require any recipient of pension hereunder to submit to further examination of his eyes by a competent ophthalmologist or oculist at such reasonable times as the board of trustees or the Department of Welfare shall deem necessary unless an opthalmologic report shows that the recipient is totally or irrevocably blind

Section 7 Before any payment is made to any person under the provisions of this act a complete report shall be made of all matters stated in the application giving the name of beneficiary the financial condition of the beneficiary and all other matters which shall be from time to time required by the Department of Welfare All such reports shall be made upon forms supplied for the purpose by the Department of Welfare All such reports shall be made in triplicate One copy shall be retained by the local board of trustees one copy shall be forwarded to the Department of Welfare and one copy to the Auditor General All reports shall be sworn to by the investigator and shall be approved by a majority of the board of trustees

Section 8 If any person receiving a pension under this act shall refuse or neglect to comply with any reasonable request of a county board of trustees or of the Department of Welfare for information concerning the qualifications for such pension or who shall on request neglect or refuse to authorize any other person firm or corporation to furnish such information about the pension recipient or who shall refuse to submit to any examination required by this act the board of trustees may suspend all payments to such recipient until he shall have complied with such requirements

Section 9 If the condition or circumstances of any person receiving a pension under this act shall change in such way that the person does not have all the qualifications required to obtain a pension hereunder pension payments to such person shall at once cease"; also line 14 by striking out the number "5" and inserting in lieu thereof the numeral "10"; also by striking out all of line 17 and inserting in lieu thereof the following: "Trustees of Pension Fund for the Blind"; also line 18 by striking out the numeral "6" and inserting in lieu thereof the numeral "11"; also by inserting the letter "(a)" after the figure 11; also line 20 by inserting after the end of the line the following:

Provided that the Department of Welfare may appoint a trustee to take charge of the expenditure of the pension granted any applicant when in its option such trustee is necessary In such case the payment shall be made direct to such trustee upon requisition of the department Such trustee shall serve without pay and shall be subject to the rules and regulations which the department shall prescribe

(b) It shall be lawful for the Department of Welfare at any time not less than thirty days after the death of the beneficiary to authorize the payment of any grants due to such deceased beneficiary to the wife children father or mother sister or brother (preference being given in the order named) of the deceased beneficiary as the board directs without requiring letters tesamentary or of administration to be issued upon the estate of said deceased beneficiary

Section 12 Pensions under this act and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature including any moneys contributed by the United States Government for this purpose Allocations of amounts available for pensions shall be made by the De-

partment of Welfare among the several counties according to the member of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year Should the amount available for blind pensions for any biennium be not sufficient for that biennium then all the blind persons who are eligible under the provisions of this act shall receive the full amount of their pension until the funds available have become exhausted

Section 13 The Department of Welfare is hereby empowered and authorized to cooperate and enter into cooperative agreements with and to receive contributions from the United States Government for financial assistance to the blind All contributions received hereunder from the United States Government shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriations to the Department of Welfare for the payment of pensions to the blind"; also line 21 by striking out the numeral "7" and inserting in lieu thereof the numeral "14"; also page 4 by striking out all of sections 8 and 9; also page 4 line 26 by striking out the numeral "10" and inserting in lieu thereof the numeral "15"; also page 5 line 4 by striking out the numeral "11" and inserting in lieu thereof the numeral "16"; also line 4 by striking out the following: "nothing contained herein shall be construed to repeal the" and inserting in lieu thereof the article "The"; also line 13 by striking out after the word "penalties" the following "but no person receiving a pension under this act shall be entitled to receive a pension under said act of January seventeenth one thousand nine hundred and thirty-four and no person receiving a pension under said act of January seventeenth one thousand nine hundred and thirty-four shall be entitled to receive a pension under this act"; and inserting in lieu thereof the following: "is hereby repealed"; also by adding the following paragraph after line 21

Section 17 The members of the respective Boards of Pension for the Blind holding office upon the effective date of this act shall continue in office until the expiration of their terms for which they were appointed unless they are previously removed in the manner provided by law; also line 22 by striking out the numeral "12" and inserting in lieu thereof the numeral "18."

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—7

Cavalcante,	McGinnis,	Thompson,	Trainer,
Frey,	Pytko,	(Centre)	
Harris,			

NAYS—39

Batchelor,	Homsher,	Pierson,	Rupp,
Baumer,	Howell,	Prince,	Salus,
Bean,	Hunsicker,	Rankin,	Shapiro,
Bennett,	Kahle,	Reed,	Sones,
Buckman,	Law,	(Dauphin)	Sordoni,
Chapman,	Mallery,	Reed,	Staudenmeier,
Clark,	McClure,	(Washington)	Thompson,
Coyne,	McCreesh,	Rice,	(Westmoreland)
Ealy,	Miller,	Roberts,	Woodward,
Gelder,	Graff,	Rodgers,	Ziesenheim,
Harvey,	Owlett,		

Less than a majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1169 (House Bill No. 1473), entitled:

An Act Imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

The first section of the bill was read as follows:

ARTICLE I

SHORT TITLE AND DEFINITIONS

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Individual Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Dividend" Any distribution made by a corporation or association subject or not subject to the payment of a tax on capital stock under the laws of the Commonwealth out of its net earnings or profits accumulated after December thirty-first one thousand nine hundred and thirty-four to its stock holders or members whether in cash or in other property or in stock other than stock dividends as hereinafter nefined

"Fiduciary" A guardian committee trustee executor administrator receiver conservator or any person whether individual or corporate acting in any fiduciary capacity for any person estate or trust

"Individual" A natural person

"Paid" For the purposes of the deductions under this act means "paid or accrued" or "paid or incurred" and the words "paid or accrued" "paid or incurred" and "incurred" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Person" Every natural person fiduciary association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Received" For the purpose of the computation of the net income under this act means "received or accrued" and the words "received or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Resident" As applied to an individual means any person domiciled in the Commonwealth of Pennsylvania and

any person who maintains a permanent place of abode within this Commonwealth

"Stock dividends" New stock for surplus or profits capitalized issued to stockholders in proportion to their previous holdings

"Tax year" The calendar year upon the basis of which the net income of a taxpayer is computed under this act

"Taxpayer" Any individual trust or estate required to pay a tax under the provisions of this act

The singular shall include the plural and the masculine shall include the feminine and neuter

ARTICLE II

IMPOSITION OF TAX

Section 201 Residents and Nonresidents A A tax is hereby imposed during the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven upon every resident taxpayer of this Commonwealth which tax shall be levied collected and paid annually with respect to his entire net income as herein defined computed at the rate of two per centum of the amount of such net income

B A like tax is hereby imposed and shall be levied and collected and paid annually at the rate specified in this section upon and with respect to the entire net income as herein defined from all property owned and from every business trade occupation or profession carried on in this Commonwealth by natural persons not residents of this Commonwealth

Section 202 Estates and Trusts A The tax imposed by this act shall apply to estates and trusts which tax shall be levied collected and paid annually upon and with respect to the income of estates or of any kind of property held in trust including

(1) Income received by estates of deceased persons during the period of administration or settlement of the estate

(2) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests

(3) Income held for future distribution under the terms of the will or trust

(4) Income which is to be distributed to the beneficiaries periodically whether or not at regular intervals and the income collected by a guardian of an infant to be held or distributed as the court may direct and

(5) Income of an estate during the period of administration or settlement permitted by subsection C of this section to be deducted from the net income upon which the tax is to be paid by the fiduciary

B The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts whether such income be taxable to the estate or trust or to the beneficiaries thereof The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers and in cases under paragraphs (four) and (five) of subsection A of this act the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income whether or not distributed before the close of the tax year for which the return is made

C In cases under paragraphs (one) (two) and (three) of subsection A of this section the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee heir or other beneficiary In such cases the estate or trust shall be allowed the same personal deductions as are allowed to single persons under section three hundred and eight and in such cases an estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitation as to gross income provided in section three hundred and three subsection C

D In cases under paragraphs (four) and (five) of subsection A of this section if the distribution of income is in the discretion of the fiduciary either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled the tax shall be imposed upon the estate or trust in the manner provided in subsection C of this section but without the deduction of any amounts of income paid or credited to any such beneficiary In all other cases under paragraphs (four) and (five) of subsection A of this section the tax shall not be paid by the fiduciary but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not of the net income of the estate or trust for the tax year In such cases the net income of a beneficiary not a resident derived through such estate or trust shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitations as to gross income provided in section three hundred and three subsection C

E A trust created by an employer as a part of a stock bonus pension or profit-sharing plan for the exclusive benefit of some or all of his employes to which contributions are made by such employer or employes or both for the purpose of distributing to such employes the earnings and principal of the fund accumulated by the trust in accordance with such plan shall not be taxable under this section but any amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him

F Where any part of the income of a trust other than a testamentary trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary such part of the income of the trust shall be included in computing the net income of the grantor

Section 203 Partnerships Individuals carrying on business in partnerships shall be liable for income tax only in their individual capacity There shall be included in computing the net income of each partner his distributive share whether distributed or not of the net income of the partnership for the tax year Taxpayers who are members of partnerships may be required by the department to make a return stating the gross receipts and net gains or profits of the partnership for any tax year The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals and the personal deductions provided for in section three hundred and eight shall be allowed only to the individual partners

Section 204 Initial Tax Lexy The tax imposed by this Article shall first be levied collected and paid in the year one thousand nine hundred thirty-six upon and with respect to taxable net income for the calendar year one thousand nine hundred thirty-five

ARTICLE III

COMPUTATION OF THE TAX

Section 301 Net Income The term "net income" means the gross income of a taxpayer less the deductions allowed by this article

Section 302 Manner of Computing Net Income The net income shall be computed in accordance with the method of accounting regularly employed in keeping the books of the taxpayer but if no such method of accounting has been so employed or if the method employed does not clearly reflect the income the computation shall be made upon such basis and in such manner as in the opinion of the department does clearly reflect the income

Section 303 Gross Income A The term "gross income" includes gains profits and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid or from professions vocations trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit and all other income derived from any source whatever including income derived through estates or trusts by the beneficiaries thereof whether as distributed or as distributable shares The amount of all such items shall be included in the gross

income for the tax year in which received by the taxpayer

B The term "gross income" does not include the following items

(1) Amounts received under a life insurance contract paid by reason of the death of the insured whether in a single sum or in installments but if such amounts are held by the insurer under an agreement to pay interest thereon the interest payments shall be included in gross income

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance endowment or annuity contract either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract

(3) The value of property acquired by gift bequest devise or rescent but the income from such property shall in included in gross income.

(4) Interest upon the obligations of the United States or its possessions or the obligations of the Commonwealth of Pennsylvania or of any municipal corporation or political subdivision thereof

(5) Any amount received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States

(6) Salaries wages and other compensation received from the United States by officials or employes thereof including persons in the military or naval forces of the United States

(7) Income received by any officer of a religious denomination or by any institution or trust for moral or mental improvement religious bible tract charitable benevolent fraternal missionary hospital infirmary educational scientific literary library patriotic historical or cemetery purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes if such income be used exclusively for carrying out one or more of such purposes but nothing herein shall be construed to exempt the fees stipends personal earnings or other private income of such officer or trustees

(8) Stock dividends when received by a shareholder but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income Provided That any stock dividend shall be considered in computing gain profit or income upon the sale exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend

(9) The principal and income paid by a building and loan association to a member thereof upon the maturity of his or her shares or upon the withdrawal of such member from the association

(10) Any amount received by any person whatever under any law of this Commonwealth the United States or any other state providing for any pension bonus or compensation whatsoever for or in respect to services in the military or naval forces of the United States in any war in which the United States has been engaged

C In the case of taxpayers other than residents gross income includes only the gross income from sources within the State but shall not include annuities interest on bank deposits interest on bonds notes or other interest-bearing obligations or dividends from corporations except to the extent to which the same shall be a part of income from any business trade profession or occupation carried on in this State subject to taxation under this act

D In the case of taxpayers who regularly sell or otherwise dispose of personal property on the installment plan gross income includes in any tax year only such portion of the total profit realized or to be realized when the payment is completed as the installment payments received in that year bears to the total of all installment payments

E In the case of a casual sale or other casual disposition of personal property or of a sale or other disposition of real property if in either case the payment in cash or property are not completed during the tax year when the sale or disposition was made the income may be returned on the basis and in the manner above described in subsection D of this section for installment sales Evidences of indebtedness of the purchaser or amounts secured by the property sold or disposed of shall not be construed to be payment but in such cases the income shall be returned on the above basis in the tax year when such indebtedness or the amounts secured or any part thereof is paid to the vendor

Section 304 Ascertainment of Gain and Loss A For the purpose of ascertaining any gain included in gross income as herein defined derived or any deductible loss sustained for the sale or other disposition of property real personal or mixed the basi shall be in case of property acquired on or after January first one thousand nine hundred thirty-five the cost thereof or the inventory value if the inventory is made in accordance with this article

B In case of property acquired prior to January first one thousand nine hundred thirty-five and disposed of thereafter

(1) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five exceeds the value realized

(2) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five is less than the value realized

(3) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are less than the value realized the basis for computing profit shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is higher

(4) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are in excess of the value realized the basis for computing loss shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is lower

Section 305 Exchange of Property Upon the sale or exchange of property in transactions the gain or profit from which is included in gross income as herein defined the entire amount of the gain or loss determined under section three hundred four of this act shall be recognized except as hereinafter provided in this section

(A) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale nor stocks bonds notes choses in action certificates of trust or beneficial interest or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment or if common stock in a corporation is exchanged solely for common stock in the same corporation or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation

(B) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are in pursuance of the plan of reorganization exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization

(C) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control of the corporations but in the case of an exchange by two or more persons this subsection shall apply only if the amount of the stock and securities received by each is substantilly in proportion to his interest in the property prior to the exchange

(D) If property (as a result of its destruction in whole or in part theft or seizure or an exercise of the power of requisition or condemnation or the threat or

imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted or into money which is forthwith in good faith under regulations prescribed by the department expended in the acquisition of other property similar or related in service or use to the property so converted or in the acquisition of control of a corporation owning such other property or in the establishment of a replacement fund no gain or loss shall be recognized If any part of the money is not so expended the gain if any shall be so recognized but in an amount not in excess of the money which is not so expended

(E) If there is distributed in pursuance of a plan of reorganization to a shareholder in a corporation a party to the reorganization stock or securities in such corporation or in another corporation a party to the reorganization without the surrender by such shareholder of stock or securities in such a corporation no gain to the distributee from the receipt of such stock or securities shall be recognized

(F) If an exchange would be within the provisions of subsection A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain but also of other property or money then the gain if any to the recipient shall be recognized but in an amount not in excess of the sum of such money and the fair market value of such other property

(G) If an exchange would be within the provisions of subsections A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss but also of other property or money then no loss from the exchange shall be recognized

(H) As used in this section the term "reorganization" means (1) a merger or consolidation (including the acquisition by one corporation of at least a majority of the total number of shares of all other classes of stock of another corporation or substantially all the properties of another corporation) or (2) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transfer or its stockholders or both are in control of the corporation to which the assets are transferred or (3) recapitalization or (4) a mere change in identity form or place of organization however effected

The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation

As used in this section "control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation

Section 306 Inventory Whenever in the opinion of the department the use of inventories is necessary in order clearly to determine the income of any taxpayer inventories shall be taken by such taxpayer upon such basis as the department may prescribe conforming as nearly as may be to the best accounting practice in trade or business of such taxpayer

Section 306.1 Distributions by Corporations A For the purpose of this act every distribution is made out of earnings or profits to the extent thereof and from the most recently accumulated earnings or profits Any earnings or profits accumulated or increase in value of property accrued before January first one thousand nine hundred and thirty-five may be distributed exempt from tax after the earnings and profits accumulated after December thirty-first one thousand nine hundred and thirty-four have been distributed but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section three hundred and four

B Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock The gain or loss to the distributee resulting from such exchange shall be determined under section three hundred and four but shall be recognized only to the extent provided in sections three hundred and four and three hundred and five In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of section three hundred and five (E) of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall be considered a distribution of earnings or profits within the meaning of subsection B of this section for the purpose of determining the taxability of subsequent distributions by the corporation

C If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before January first one thousand nine hundred and thirty-five and is not out of earnings or profits then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section three hundred and four and if in excess of such basis such excess shall be taxable in the same manner as a gain from the sale or exchange of property

D As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its seock or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock

Section 307 General Deductions In computing net income there shall be allowed as deductions

A All the ordinary and necessary expenses paid or incurred during the tax year in carrying on any trade or business or in the production of income required to be included in gross income under this article including a reasonable allowance for salaries or other compensation for personal service actually rendered and including rentals or other payments required to be made as a condition to the continued use or possession for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity

B All interest paid or accrued during the taxable year on indebtedness

C Taxes paid or accrued within the tax year imposed by (1) the authority of the United States or of any of its possessions (2) by the Commonwealth of Pennsylvania (except the net income tax imposed by this act and taxes on liquid fuels) (3) by any city borough town township school district or poor district of this Commonwealth (except those assessed as local benefits tending to increase the value of the property assessed) or (4) by the authority of any other state country or territory Provided That taxes on personal property paid by the taxpayer to any county or city and county of this Commonwealth for which he has not received and is not entitled to receive a refund from the debtor and taxes paid to this Commonwealth and refund by the taxpayer or withheld from moneys due the taxpayer shall not be allowed as deductions under this clause

D Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in trade or business

E Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in any transaction entered into for profit though not connected with the trade or business No deduction shall be allowed under this clause for any loss claimed to have been sustained in any sale or other disposition of shares of stock or security where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or disposition If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property then only a proportionate part of the loss shall be disallowed

F Losses sustained during the tax year of property not connected with the trade or business (but in case of a taxpayer other than a resident only of real property or tangible personal property having an actual situs within the State) if arising from fires storms shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise

G Debts ascertained to be worthless and charged off within the tax year and when satisfied that a debt is recoverable only in part the department may allow such debt to be charged off in part In the case of a debt existing on January first one thousand nine hundred thirty-five no more than its fair market value on that date shall be deducted A worthless debt arising since January first one thousand nine hundred thirty-five from unpaid wages salary rent or any similar item of taxable income is not

An allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this act

H A reasonable allowance for the exhaustion wear and tear of property the income from which is required to be included in gross income under this article used in the trade or business including a reasonable allowance for obsolence In case of property held by one person for life with remainder to another person the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust or in the absence of such provisions on the basis of the trust income allocable to each

I In the case of mines oil and gas wells other natural deposits and timber a reasonable allowance for depletion and for depreciation or improvement according to the peculiar conditions in each case such reasonable allowance in all cases to be made under rules and regulations to be made by the department The department may apportion such deductions equitably between the lessor and lessee

J In the case of a taxpayer other than a resident of the State the deduction allowed in this section shall be allowed only if and to the extent that they are connected with income arising from sources within the State and taxable under this act to a nonresident taxpayer and the proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations to be prescribed by the department

Section 308 Deductions for Living Expenses The following fixed sums and no others shall also be allowed to all taxpayers in computing net income as personal deductions on account of living expenses

A In the case of a single person a personal exemption of one thousand dollars ($1,000.00) or in the case of the head of a family or a married person living with husband or wife a personal deduction of one thousand five hundred dollars ($1,500.00) A husband and wife living together shall receive but one personal deduction If such husband and wife make separate returns the personal deduction may be taken by either or divided between them

B Four hundred dollars ($400.00) for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective

C If the status of the taxpayer in so far as it affects the deductions allowed by this section changes during his tax year such deduction shall be apportioned under rules and regulations prescribed by the department in accordance with the number of months before and after such change For the purposes of this subsection a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month

Section 309 Items Not Deductible In computing net income no deduction shall in any case be allowed in respect of

A Personal living or family expenses except as otherwise herein expressly provided

B Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate

C Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made or

D Premiums paid on any life insurance policy covering the life of any officer or employe or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy

Section 310 Credits for Other Taxes A In any case in which a taxpayer during the tax year shall have become liable to pay and has paid to any county or city and county a tax on any bond note mortgage judgment interest-bearing account deposit or any loan or evidence of indebtedness or on any corporate stock or other personal property for which he has not received and is not entitled to receive refund of such tax from the debtor and in any case in which the taxpayer shall have been required to refund to a corporate debtor or in which a corporate debtor has deducted from moneys becoming due from such debtor to the taxpayer during the tax year on account of or by reason of any tax levied by the Commonwealth on any corporate loan or evidence of indebtedness of any kind the taxpayer shall be entitled to a credit against any amount of income tax payable by him under this act in such year equal to the amount of tax so paid by him to a county or a city and county or refund by him or deducted from moneys due to him on account of tax imposed by the Commonwealth on corporate loans or evidences of indebtedness of any kind

B In any case in which a fiduciary during the tax year shall have become liable to pay and has paid to any county or city and county a tax on any bond note mortgage judgment interest-bearing account deposit or any loan or evidence of indebtedness or on any corporate stock or other personal property for which he has not received and is not entitled to receive a refund of such tax from the debtor and in any case in which the fiduciary shall have been required to refund to his corporate debtor or in which a corporate debtor has deducted from moneys becoming due from such debtor to the fiduciary during the tax year on account of or by reason of any tax levied by the Commonwealth on any corporate loan or evidence of indebtedness of any kind the fiduciary shall be entitled to a credit against any amount of income tax payable by him under this act in such year equal to the amount of tax so paid by him to a county or a city and county or refund by him or deducted from moneys due to him on account of taxes imposed by the Commonwealth on corporate loans or evidences of indebtedness of any kind The excess of any such credit to which a fiduciary shall be entitled over the amount of income tax payable by him under this act in such year shall be available to such fiduciary's beneficiaries as a credit against any amount of income tax payable by them under this act the credit being apportioned among them on the basis of the trust income allocable to each

Section 311 Credit for Taxes in Case of Taxpayers other than Residents of the Commonwealth Whenever a taxpayer other than a resident of the Commonwealth has become liable to income tax to the State county or city where he resides upon his net income for the tax year derived from sources within this Commonwealth and subject to taxation under this act the department shall credit the amount of income tax payable by him under this act with such proportion of the tax so payable by him to the State county or city where he resides as the income subject to taxation under this act bears to his entire income upon which the tax so payable to such other State county or city was imposed Provided That such credit shall be allowed only if the laws of said State county or city (1) grant a substantially similar credit to residents of this Commonwealth subject to income tax under such laws or (2) impose a tax upon the personal incomes of its residents derived from sources in this Commonwealth and exempt from taxation the personal income of residents of this Commonwealth No credit

shall be allowed against the amount of the tax on any income taxable under this act which is exempt from taxation under the laws of such other State county or city

Section 312 Certain Gifts not Taxable In case any taxpayer in any tax year shall give or continue and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propoganda or otherwise attempting to influence legislation such net income so given or contributed shall not be subject to any tax under the provisions of this act

ARTICLE IV

RETURNS AND PAYMENT

Section 401 Taxpayers' Returns Time and Place of Filing Payment A Every taxpayer having a net income for the tax year of one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or of one thousand five hundred dollars ($1,500.00) or over if married and living with husband or wife or a gross income for the tax year of five thousand dollars or over regardless of the amount of his net income shall make under oath or affirmation a return as hereinafter provided stating specifically the items of his gross income and the deductions and credits allowed by this act For the purposes of this section any taxpayer other than a married person shall be deemed to be a single person If a husband and wife living together have an aggregate net income of one thousand five hundred dollars ($1,500.00) or over or an aggregate gross income for such year of five thousand dollars ($5,000.00) or over each shall make a return or the income of each shall be included in a single joint return in which case the tax shall be computed on the aggregate income If the taxpayer is unable to make his own return the return shall be made by a duly authorized agent or by the guardian or other person charged with the case of the person or property of such taxpayer A taxpayer other than a resident shall not be entitled to the deductions authorized by section three hundred and seven unless he shall make under oath or affirmation a complete return of his gross income both within and without the State

B Returns shall be in such form and shall contain such information as the department may from time to time prescribe and shall be filed with the department at its main office or at any branch office which it may establish on or before the fifteenth day of May in the year one thousand nine hundred thirty-six and in the year one thousand nine hundred and thirty-seven for the preceding calendar year The department is authorized to prepare and furnish such return forms but the failure of any taxpayer to receive or procure a return form shall not excuse him from making a return

C The department may upon application made to it in such form as it may prescribe on or prior to the last day for filing any report and upon proper cause shown grant a reasonable extension of time for the filing of any return within which time such return may be filed without penalty except as herein provided and shall keep a record of every such extension and the reason therefor Except in the case of taxpayers who are abroad no such extension shall be granted for more than six months

D Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making any return or report required by this act for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

E Each taxpayer shall or in cases where an agent guardian committee fiduciary or other persons makes the return for the taxpayer then such agent guardian fiduciary committee or person shall at the time of filing the return pay to the department the amount of tax payable under this act as the same shall appear from a calculation made on the face of the return If the time for filing the return shall have been extended by the department the taxpayer shall pay in addition interest thereon at the rate of six per centum per annum from the time when the return was originally required to be filed to the time of payment

Section 402 Returns in Cases of Changed Residence If a taxpayer during the tax year changes his status from that of resident to that of nonresident or from that of nonresident to that of resident he shall file two returns one as a resident covering the fraction of the year during which he was a resident and one as a taxpayer other than a resident covering the fraction of the year during which he was a nonresident In case two returns for one year are filed as aforesaid the taxes due thereon shall not be less than would be payable if the total net income shown by the two returns were included in a single return If the aggregate of the taxpayer's net income from all sources during the fraction of the year in which he was a resident and his net income from sources within the State during the fraction of the year in which he was a nonresident shall be less than one thousand dollars ($1,000.00) in the case of a taxpayer who is single or married and not living with husband or wife or under one thousand five hundred dollars ($1,500.00) in the case of a taxpayer who is married and living with husband or wife no return shall be required under this section unless the aggregate of the taxpayer's gross income from all sources during the fraction of the year in which he was a resident plus the aggregate of his gross income from sources within the State during the fraction of the year in which he was a nonresident is five thousand dollars ($5,000.00) or over in which event returns shall be required

Section 403 Partnership Returns Every partnership shall make a return for each tax year stating specifically the items of its gross income and the deductions allowed by this act and shall include in the return the names and addresses of the person who would be entitled to share in the net income if distributed and the amount of the distributive share of each person The return shall be sworn to or affirmed by any one of the partners

Section 404 Fiduciary Returns Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath or affirmation a return for the individual estate or trust for whom he acts as follows

A If he acts for an individual whose entire income from whatever source derived is in his charge and the net income of such individual is one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or one thousand five hundred dollars ($1,500.00) or over if married and living with husband or wife or whose gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of his net income

B If he acts (a) for an estate of a deceased person during the period of administration or settlement whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee heir or other beneficiary (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests or (c) for an estate or trust the income of which is held for future distribution or is distributable in the discretion of the fiduciary under the terms of the will or trust and the net income of such estate or trust is one thousand dollars ($1,000.00) or over or the gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of the net income

C If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically or (b) as the guardian of an infant whose income is to be held or distributed as the court may direct and

any beneficiary of such estate or trust or such infant receives or is entitled to a distributive share of the income of one thousand dollars ($1,000.00) or more The return made by a fiduciary shall state specifically the items of the gross income and the deductions exemptions and credits allowed by this act Under such regulations as the department may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the above requirement

D The fiduciary shall make oath or affirmation that he has sufficient knowledge of the affairs of the individual estate or trust for whom or which he acts to enable him to make the return and that the same is to the best of his knowledge and belief true and correct Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers

ARTICLE V

PROCEDURE

Section 501 Department of Revenue to Administer The Department of Revenue shall administer and enforce the tax herein imposed for which purpose it may divide the State into districts in each of which a branch office of the department may be maintained

Section 502 Examination of Returns Assessment of Tax Refunds A As soon as practicable after the return is filed the department shall examine it and assess the tax

B If the amount of tax as assessed shall be greater than the amount theretofore paid the additional assessment shall be paid by the taxpayer to the department within ten days after a notice of the amount of such additional tax as assessed shall be mailed to the taxpayer by the department In such case if the return is made in good faith and the understatement of the amount in the return is made in good faith there shall be no interest or penalty because of such understatement provided the deficiency be paid or notice of an intention to file a petition for a reassessment or to appear and be heard as herein provided shall be given within ten days after notice of the amount is mailed to the taxpayer If payment is not made within ten days and if no notice of an intention to file a petition for a reassessment or to appear and be heard is given to the department within ten days as herein provided there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment If the understatement is false or fraudulent with intent to evade the tax the tax on the additional income discovered to be taxable and assessed by the department shall be double and additional one per centum shall be added to the amount so due for each month or fraction of a month from the date the tax was originally due to the date of payment

C If the amount of tax as assessed by the department shall be less than the amount paid by the taxpayer the excess shall be refunded upon written application by the department with the approval of the Board of Finance and Revenue out of the moneys in the State School Fund to the credit of the school district income tax account

As much of the moneys from time to time standing to the credit of the school district income tax account of the State School Fund as may be necessary is hereby appropriated to the department for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from this account for refunds from time to time by the department shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the department for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

Section 503 Estimated Assessments A If any individual or fiduciary believed by the department to be liable for a tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by the provisions of this act or any extension thereof granted by the department if the department should deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of such individual's or fiduciary's accounts it may make an estimated assessment of the probable amount of the tax owing by such individual or fiduciary but in every such case it shall add to every such estimated assessment a penalty of fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to file a return or statement and the department shall proceed to recover money so due the Commonwealth as in other cases if not paid when due as hereinafter provided

B The amount thus determined together with penalties and interest at the rate of one per centum per month or fractional part thereof shall be due and payable ten days after notice of such settlement shall be mailed by the department

Section 504 Assessments Made at any Time within Three years A Any additional assessment or estimated assessment as heretofore provided shall be made by the department within three (3) years after any net income of any taxpayer should have been returned by him for taxation any such additional assessment or estimated assessment may be made at any time during said period notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such taxpayer In any such case no credit shall be given for any penalty formerly assessed and paid

B In the case of income received during the lifetime of a decedent or by his estate during the period of administration or by a corporation any such additional assessment or estimated assessment as heretofore provided shall be made by the department within eighteen months after written request therefor (filed after the return is made) by the executor administrator or other fiduciary representing the estate of such decedent or by the corporation but not after the expiration of three years after any such income should have been returned for taxation This subsection shall not apply in the case of a corporation unless (1) such written request notifies the department that the corporation contemplates dissolution at or before the expiration of such eighteen month period and (2) the dissolution is in good faith begun before the expiration of such eighteen months and (3) the dissolution is completed

Section 505 Petition for Reassessment Appeal A Any taxpayer against whom any estimated or additional assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department prior to the time th eamount becomes due and payable to wit within ten (10) days after notice of such estimated or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the estimated or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereon appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

B If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard

after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 506 Petition for Refund of Taxes Penalties or Interest Paid Erroneously Appeal A Any taxpayer who has paid any tax penalty or interest under the provisions of this act whether or not such payment was made under protest which payment is alleged to have been made as the result of an error of law or of fact or of both law and fact may file a petition for the refund of any such payment with the department Any such petitions must be filed with the department within three (3) years from the date of the payment alleged to have been made erroneously Provided That where any such payment has been made under any provision of this act subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of any provision hereof subsequently held by such court to be erroneous such petition for refund may be filed within five (5) years from the date of the payment of which a refund is requested

B It shall be the duty of the department to hear and determine any such petition and if it shall find that any amount of taxes penalties or interest has been paid by such taxpayer erroneously as aforesaid such amount shall be refunded to the taxpayer as provided herein

C If such petitioner is dissatisfied with the action of the department on his petition for refund he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action is given to him by the department

Section 507 Enforcement Rules and Regulations Inquisitorial Powers of the Department A The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

B The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by this act Every such taxpayer or supposed taxpayer is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

C Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) and costs of prosecution or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

Notwithstanding the provisions of subsection C of this section the department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing an income tax upon the incomes of individuals or the authorized representative of either such officer to inspect the income tax returns of any individuals or may furnish to such officer or his authorized representative an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any individual but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of this State charged with the administration of the personal income tax law thereof

Section 508 Information at the source Every person in whatever capacity acting including lessees or mortgagors of real or personal property fiduciaries employers and all officers and employes of the Commonwealth or of any municipal corporation or political subdivision of the Commonwealth having the control receipt custody disposal or payment of interest (other than interest coupons payable to bearer) rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income amounting to one thousand dollars ($1,000.00) or over shall on or before the fifteenth day of May make a return under oath or affirmation to the department containing complete information concerning the amount of all such interest rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income of any individual partnership or fiduciary under such regulations and in such form and manner and to such extent as may be prescribed by the department The return shall be in such form as the department shall prescribe and shall contain a statement that the individual officer or employe of the Commonwealth political subdivision thereof or corporation or member or partner of the association making the return verifies the information contained in the return Upon conviction of making a false statement in such return the person making the same shall be subject to the penalties provided by the laws of the Commonwealth for perjury

Every person who fails refuses or neglects to file a return in accordance with the provisions of this section shall be liable to a penalty of not more than five hundred dollars to be imposed assessed and collected in the same manner as is provided in this act with regard to taxes

Section 509 Lien of Taxes A All taxes imposed by this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the taxpayer against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

B The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 510 Collection of unpaid taxes Whenever the taxes penalties or interest imposed by this act are not paid and no petition for reassessment thereof has been filed or if such taxes interest and penalties are not paid after all appeals have finally been disposed of the department shall call upon the Department of Justice to collect the same in like manner as is provided by law for the collection of other Commonwealth taxes

ARTICLE VI

VIOLATIONS

Section 601 Violations Penalties Any person who

shall fail neglect or refuse to make any report required by this act or any taxpayer who shall refuse to pay the tax penalties and interest imposed by this act or any person who shall refuse to permit the department or any agent appointed by it in writing to examine his or her books records and papers or who shall knowingly make any incomplete false or fraudulent report or who shall attempt to do anything whatever to avoid the full disclosure of the amount of net income to avoid the payment of the whole or any part of the tax shall be guilty of a misdemeanor and shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or undergo imprisonment not exceeding three (3) years or both in the discretion of the court

Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

Section 602 Costs Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

ARTICLE VII

DISPOSITION AND USE OF TAX

Section 701. Disposition and Use of Tax. All taxes interest and penalties received recovered paid or collected under the provisions of this act shall be paid by the department into the State School Fund of the State Treasury Two per centum of such moneys shall be transferred on or before the first day of January and July of each year during which the tax imposed by this act shall be collected to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the department and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available. The balance less such sums as shall be reserved for the payment of refunds as provided in this act shall be available only for the payment of any appropriations made at any time by the General Assembly to the Department of Public Instruction for payment to school districts for salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools in accordance with the provisions of law.

ARTICLE VIII

MISCELLANEOUS

Section 801 Saving clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for State or local purposes

Section 802 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act it is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 803 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President, I move to amend section 201, page 4, line 8 by striking out at the end of the line after the word "imposed" the following: [during the years one thousand nine hundred]; amend section 201, page 4 by striking out line 9; amend section 201, page 4, line 10 by striking out at the beginning of the line before the word "upon" the word: [seven]; amend section 201, page 4, line 14 by striking out at the end of the line after the word "act]" the following: [rate of two per centum of]; amend section 201, page 4 by striking out line 15 and inserting in lieu thereof the following: "following rates after deducting the exemption provided in this act"; amend section 201, page 5 by inserting between lines 15 and 16 the following:

(1) Two per centum of the amount of net income not exceeding five thousand dollars ($5000.00)

(2) Two and one-half per centum of the amount of the net income in excess of five thousand dollars ($5000.00) but not in excess of ten thousand dollars ($10,000.00)

(3) Three per centum of the amount of net income in excess of ten thousand dollars ($10,000.00) but not in excess of twenty-five thousand dollars ($25,000.00)

(4) Four per centum of the amount of net income in excess of twenty-five thousand dollars ($25,000.00) but not in excess of fifty thousand dollars ($50,000.00)

(5) Five per centum of the amount of net income in excess of fifty thousand dollars ($50,000.00) but not in excess of seventy-five thousand dollars ($75,000.00)

(6) Six per centum of the amount of net income in excess of seventy-five thousand dollars ($75,000.00) but not in excess of one hundred thousand dollars ($100,000.00)

(7) Eight per centum of the amount of net income in excess of one hundred thousand dollars ($100,000.00); amend section 201, page 5, line 17 by striking out after the word "[rates]" and before the word "specified" the word: [rate] and inserting in lieu thereof the word: rates; amend page 18 by striking out lines 8 to 28 inclusive; amend page 19 by striking out lines 1 to 25 inclusive; amend section 307, page 20, line 22 by striking out at the end of the line after the word "territory" the syllable: "[Pro-]"; amend section 307, page 20, by striking out lines 23 to 27 inclusive; amend section 307, page 21, by striking out lines 1 and 2; amend page 25 by striking out lines 3 to 29 inclusive; amend page 26 by striking out lines 1 to 23 inclusive; amend section 311, page 26, line 24 by striking out after the figures "[310]" and before the word "credit" the figures: "[311]" and inserting in lieu thereof the figures: 310; amend section 312, page 27, line 19 by striking out after the figures "[311]" and before the word "Certain" the figures: "[312]" and inserting in lieu thereof the figures: 311; amend section 401, page 29, line 13 by striking out at the end of the line after the word "thereafter]" the words: [the year one]; amend section 401, page 29, line 14 by striking out at the beginning of the line before the word "for" the words: [thousand nine hundred and thirty-seven] and inserting in lieu thereof the words: and in each and every year thereafter; amend section 504, page 36, line 19 by striking out after the word "[Five]" and before the word "Years" the word: [Three] and inserting in lieu thereof the word: Five; amend section 504, page 36 by striking out after the word "[An]" and before the word "additional" the words: [A Any] and inserting in lieu thereof the word: An; amend section 504, page 36, line 21 by striking out the bracket before the word "at"; amend section 504, page 36, line 21 by striking out at the end of the line after the figure "(5)" the following: [[within three (3)]; amend section 504, page 37 by striking out lines 1 to 16 inclusive; amend section 506, page 39 by striking out lines 8 to 29 inclusive; amend section 506, page 40 by striking out lines 1 to 6 inclusive; amend section 507, page 40, line 7 by striking out after the figure "[506]" and before the word "Enforcement" the figure: [507] and inserting in lieu thereof the figure: 506; amend section 508, page 42, line 6 by striking out after

the figure "[507]" and before the word "Information" the figure: [508] and inserting in lieu thereof the figure: 507; amend section 509, page 43, line 11 by striking out after the figure "[508]" and before the word "Lien" the figure: [509] and inserting in lieu thereof the figure: 508; amend section 510, page 43, line 28 by striking out after the figure "[509]" and before the word "Collection" the figure [510] and inserting in lieu thereof the figure: 509.

Mr. KAHLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Mercer, Mr. Law, whether these are the same amendments offered last week.

Mr. LAW. Mr. President, these are a portion of the amendments offered last week. These amendments only restore the provision in regard to the graduated income tax They do not go to the question of the disposition of the funds, or to the question of the amount of the tax.

Mr. OWLETT. Mr. President, are they just the same in the bill as was before the committee?

Mr. LAW. Mr. President, they are.

Mr. OWLETT. Mr. President, has the Senator from Mercer, Mr. Law, any estimate of the amount of taxes this will produce.

Mr. LAW. Mr. President, I have some estimates here. The estimate is that #1473, as it came from the House, would yield $13,000,000 per year. It is impossible to determine the exact amount of additional revenue to be obtained. By reducing the exemption to $1500.00, it would make a considerable difference.

Mr. OWLETT. Mr. President, do I understand that the Senator from Mercer is willing to assume the responsibility of having this determined unconstitutional in order to raise revenue for school purposes and thus reduce the real estate taxation?

Mr. LAW. Mr. President, I believe I may say that we are assuming that this act is constitutional. I believe that that statement has been made by the Senator from Tioga, that the act is unconstitutional.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Mercer if it is not a fact that the Attorney General of the State is of the opinion that a graduated income tax is not constitutional.

Mr. LAW. Mr. President, I believe that at one time the Attorney General did so consider it, but I believe he has somewhat changed his opinion since that time.

Mr. REED (Dauphin). Mr. President, I desire to state that I shall vote for this amendment because I think it is a very great improvement on the pending bill. On the question of constitutionality I do not regard that it is necessary to get the opinion of the Attorney General. Personally, I studied the question, and while no one can say our Supreme Court of Pennsylvania will say that a graduated income tax is constitutional or not, under the best of the authorities, it is my own opinion that there is a strong probability that it will be declared constitutional, and I know of no decision of the Supreme Court of Pennsylvania which indicates that they will take a contrary position.

The statement has been made that this matter would go to the Supreme Court of the United States and thereby there will be a considerable delay. I question very much whether that statement is accurate, for the simple reason that the Supereme Court of the United States did declare a graduated income tax in Oklahoma to be constitutional, and a few years ago, when North Carolina passed a graduated income tax, the Supreme Court of the United States refused to consider the matter upon a certiorari. Therefore, I believe on any question such as this, we should use our individual judgment as Senators, and, believing as I do that there is a strong probability that it will be declared constitutional, and that any tax could, which may be passed, be declared unconstitutional, and I propose to vote for these amendments.

Mr. OWLETT. Mr. President, I stated last night, and I repeat now, that in my judgment the graduated income tax is constitutional under our present Constitution, and that these amendments now offered would very obviously produce as much revenue or more than will be produced by the bill as it was read, and since our friends on the other side are suggesting that it be a graduate income tax and are willing to take the responsibility of the constitutionality, I shall vote "aye" on these amendments.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act imposing an income tax for school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

On the question,

Will the Senate agree to the title?

Mr. LAW. Mr. President, I move to amend page 1, line 1 of the title by striking out after the word "graduated" and before the word "income" the word [an] and inserting in lieu thereof the words: a graduated

Mr. KAHLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. McCLURE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE from the Committee on Finance, reported as committed, Senate Bill No. 1720 (House Bill No. 2904), entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN from the Committee on Public Health, rereported as amended, Senate Bill No. 1052 (House Bill No. 1521), entitled:

An Act imposing certain requirement on certain hospitals receiving State aid authorizing the withholding of appropriations and imposing duties on the Department of Welfare.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Insurance, reported as committed, Senate Bill 1569 (House Bill No. 2403) entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workman's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, other than life, for admission to do business in this Commonwealth.

Also from the Committee on Highways reported as committed, Senate Bill No. 1094 (House Bill No. 2060), entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure.

Also from the Committee on Highways reported as committed, Senate Bill No. 1487 (House Bill No. 1056), entitled:

An Act to further amend section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages"

Also from the Committee on Highways reported as committed, Senate Bill No. 1096 (House Bill No. 2063), entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department under certain terms and conditions and making an appropriation.

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1705 (House Bill No. 2581), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses during the biennium ending the thirty-first day of May one thousand nine hundred and thirty-five defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 497 (House Bill No. 316), entitled:

A Joint Resolution authoriing the Attorney General to arrange for and hold a conference on crime and making an appropriation.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on State Government, reported as committed, Senate Bill No. 1409 (House Bill No. 2499), entitled:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties.

Also from the Committee on State Government reported as amended, Senate Bill No. 1692 (House Bill No. 2691), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointlent of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind, and extending the powers of the Council with respect to the blind; authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms; modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriations of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automo-

biles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria; extending the supervision of the Department of Welfare to provide homes for the care of the aged; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects abolishing the Board of Trustees of Home for Training in Speech of Deaf Children amplifying the powers of the Department of Public Instruction relating to professional education and licensure eliminating the State Aeronautics Commission exempting the Department of Internal Affairs from certain provisions of the said act and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Mr. PRINCE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE from the Committee on Agriculture reported as committed, Senate Bill No. 1708 (House Bill No. 814), entitled:

An act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the furbearing animal class to the vermin class.

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Municipal Government reported as amended, Senate Bill No. 1603 (House Bill No. 1911), entitled:

An act permitting licensing regulating and controlling horse racing and greyhound racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties and making an appropriation.

BILLS ON SECOND READING

Mr. CLARK. Mr. President, I call up at this time out of order Senate Bill No. 1635 (House Bill No. 2896).

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1635 (House Bill No. 2896), entitled:

An Act making appropriations to the Department of Welfare for the maintenance of certain hospitals.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million six hundred thirty-six thousand two hundred four dollars and seventy-five cents ($8,636,204.75) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of the three dollars ($3) per diem rate as the part of the regular charge which the person treated is not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Abington Memorial Hospital	$39,100
Adrian Hospital Association Punxsutawney	$38,000
Allegheny General Hospital Pittsburgh	$181,200
Allegheny Valley Hospital Tarentum	$27,600
Allentown Hospital Allentown	$136,150
Altoona Hospital	$60,700
American Hospital for Diseases of Stomach Philadelphia	$10,000
Barnes Simon H Memorial Hospital	$3,565
Beaver Valley General Hospital New Brighton	$18,400
Belvedere Hospital Pittsburgh	$4,485
Berwick Hospital	$16,790
Blair J C Memorial Huntingdon	$38,985
Bloomsburg Hospital	$30,705
Braddock General Hospital	$54,395
Bradford Hospital	$35,900
Broad Street Hospital Philadelphia	$30,500
Brookville Hospital	$12,765
Brownsville General Hospital	$37,720
Butler County Memorial Hospital	$21,850
Canonsburg General Hospital	$18,400
Carbondale General Hospital	$23,000
Carlisle Hospital	$26,105
Centre County Hospital Bellefonte	$32,315
Chambersburg Hospital	$20,010
Charleroi-Monessen Hospital	$28,000
Chester County Hospital West Chester	$66,125
Chester Hospital City of Chester	$88,435
Chestnut Hill Hospital Philadelphia	$31,200
Children's Hospital of Philadelphia	$77,650
Children's Hospital of Pittsburgh	$110,860
Christian H Buhl Hospital Sharon	$35,900
Citizens General Hospital New Kensington	$41,055
Clearfield Hospital	$45,090
Coatesville Hospital	$47,000
Columbia Hospital Columbia	$14,145
Community Hospital Kane	$7,475
Conemaugh Valley Memorial Hospital	$102,350
Corry Hospital Association	$12,900
Coudersport General Hospital	$4,140
Delaware County Hospital	$25,200
Eagleville Sanatorium for Consumptives	$124,200
Easton Hospital	$77,850
Elizabeth Steel Magee Pittsburgh	$92,000
Elk County General Hospital Ridgway	$20,000
Ellwood City Hospital Ridgway	$12,420
Eye and Ear Hospital Pittsburgh	$25,300
Frankford Hospital Philadelphia	$77,625
Franklin City Hospital	$10,120
Frederick Douglass Memorial Hospital and Training School Philadelphia	$18,400
Frick Henry Clay Memorial Hospital Mt Pleasant	$25,300
Geisinger George F Memorial Hospital Danville	$34,500
General Hospital of Monroe County East Stroudsburg	$14,720

Germantown Dispensary and Hospital	$149,100
Good Samaritan Hospital Lebanon	$51,150
Grandview Hospital Sellersville	$15,300
Grandview Hospital for Consumptives Oil City	$19,550
Greene County Memorial Hospital Waynesburg	$10,350
Greenville Hospital Greenville	$5,520
Grove City Hospital	$3,600
Hahnemann Hospital Philadelphia	$208,700
Hahnemann Hospital Scranton	$63,365
Hamot Hospital Association Erie	$111,115
Hanover General Hospital Hanover	$13,415
Harrisburg Hospital Harrisburg	$92,345
Harrisburg Polyclinic Hospital Harrisburg	$57,000
Homeopathic Hospital of Chester County West Chester	$35,880
Homeopathic Medical and Surgical Hospital Pittsburgh	$92,000
Homeopathic Medical and Surgical Hospital Reading	$72,795
Homestead Hospital	$49,795
Indiana Hospital	$43,470
Jameson Memorial Hospital Association (Shenango Valley) New Castle	$32,200
Jefferson Medical College Hospital	$239,430
Kane Summit Hospital Association	$10,000
Kensington Hospital for Women Philadelphia	$39,100
Kittanning General Hospital	$9,430
Lancaster County Tuberculosis Society (Rossmere)	$63,250
Lancaster General Hospital	$73,600
Latrobe Hospital	$25,300
Lee Homeopathic Hospital Johnstown	$11,500
Lewistown Hospital	$48,990
Lock Haven Hospital	$35,880
Lying-in-Charity Hospital Philadelphia	$90,275
Maple Avenue Hospital Association DuBois	$20,125
Maternity Hospital Philadelphia	$37,260
McKeesport Hospital	$85,550
Meadville City Hospital	$22,425
Memorial Hospital Association Monongahela City	$13,700
Memorial Hospital Roxborough Philadelphia	$49,565
Mercy Hospital Altoona	$46,800
Mercy Hospital and School for Nurses Philadelphia	$72,450
Mercy Hospital Wilkes-Barre	$96,025
Mid-Valley Hospital Blakely	$29,900
Milliken A C Hospital Pottsville	$12,535
Miners' Hospital of Northern Cambria	$43,355
Montefiore Hospital Pittsburgh	$75,900
Montgomery Hospital Norristown	$47,505
Mount Sinai Hospital Philadelphia	$121,785
Nason Hospital Association Roaring Spring	$29,000
National Stomach Hospital Philadelphia	$5,700
Northern Liberties Hospital	$22,770
Northeastern Hospital of Philadelphia	$35,420
Northwestern General Hospital Philadelphia	$19,550
Ohio Valley General Hospital McKees Rocks	$26,220
Oil City Hospital	$27,025
Packer Mary M Hospital Sunbury	$32,660
Packer Robert Hospital Sayre	$136,275
Passavant Hospital Pittsburgh	$54,700
Pennsylvania Epileptic Hospital and Colony Farm Oakburne	$46,000
Pennsylvania Hospital of Philadelphia—(Contributors)	$154,100
Philadelphia College of Osteopathy and Osteopathic Hospital of Philadelphia	$7,900
Philadelphia Orthopaedic Hospital and Infirmary	$70,265
Phoenixville Hospital	$22,425
Pittsburgh Hospital Association	$69,000
Pittston Hospital Association	$59,225
Pottstown Homeopathic Hospital	$12,535
Pottstown Hospital	$24,610
Pottsville Hospital	$69,000
Presbyterian Hospital Pittsburgh	$63,200
Providence Hospital of Beaver County	$10,500
Quakertown Hospital Association	$7,475
Reading Hospital	$107,985
Renovo Hospital	$7,245
Rochester General Hospital	$33,350
Rush Hospital for Consumptives Philadelphia	$73,600
Saint Christopher's Hospital for Children Philadelphia	$71,760
Saint Francis' Hospital Pittsburgh	$179,687.50
Saint John's General Hospital Pittsburgh	$50,025
Saint Joseph's Hospital Carbondale	$17,480
Saint Luke's Hospital South Bethlehem	$98,650
Saint Luke's and Children's Homeopathic Hospital Philadelphia	$94,800
Saint Vincent's Hospital Association Erie	$96,370
Sewickley Valley Hospital	$35,650
Somerset Community Hospital	$7,015
South Side Hospital Pittsburgh	$75,670
Spencer Hospital Meadville	$30,000
Stetson Hospital Philadelphia	$14,720
Suburban General Hospital Bellevue	$17,940
Taylor Hospital Association	$31,740
Taylor Hospital Ridley Park	$23,600
Temple University Hospital Philadelphia	$140,645
Titusville Hospital	$7,000
Tuberculosis League of Philadelphia	$100,050
Uniontown Hospital	$63,250
University of Pennsylvania Hospital Philadelphia	$211,600
University of Pennsylvania—Graduate Hospital	$187,450
Warner Annie M Hospital Gettysburg	$11,615
Warren General Hospital	$21,850
Washington Hospital	$57,800
Wayne County Memorial Hospital Honesdale	$4,600
Waynesboro Hospital	$16,445
Western Pennsylvania Hospital Pittsburgh	$162,600
Westmoreland Hospital Association Greensburgh	$55,350
West Side Hospital Association Scranton	$70,150
Wilkes-Barre General Hospital	$162,857.25
Williamsport Hospital	$87,360
Wills Eye Hospital Philadelphia	$86,900
Women's Homeopathic Hospital Philadelphia	$67,505
Women's Hospital of Philadelphia	$75,000
Women's Medical College Philadelphia	$78,660
Wyoming Valley Homeopathic Hospital Wilkes-Barre	$43,700
York Hospital	$97,825
Zem Zem Hospital for Crippled Children of Erie	$9,775

On the question,

Will the Senate agree to the section?

Mr. CLARK. Mr. President, I move to amend section 1 page 3, line 18, by striking out the figures "$12,900" and inserting in lieu thereof: "$15,000"; also section 1, page 3, insert between lines 8 and 9 the following: Children's Heart Hospital, Philadelphia, $5,000; also section 1, page 5, insert between lines 5 and 6, the following: "Lankenau Hospital, Philadelphia $25,000."

Mr. McCLURE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth sections of the bill were read as follows and agreed to:

Section 2 In addition to the appropriation made by section one of this act the sum of two million eighty thousand five hundred fifty-one dollars and sixty-seven cents ($2,080,551.67) or so much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five to be by it paid to the

hospitals designated in section one of this act for the purpose of the maintenance of such hospitals in the manner prescribed by law (except as hereinafter otherwise provided) at the rate of three dollars ($3.00) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five who were entitled to free service and for each day of part pay service such proportion of the three dollars ($3.00) per diem rate as the part of the regular charge which the person treated was not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Of the sum herein appropriated so much thereof shall be payable to each respective hospital as represents the obligated balance of the maintenance appropriation made to such hospital by the General Assembly at its regular session of one thousand nine hundred thirty-three for the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which remained unexpended on May thirty-first one thousand nine hundred thirty-five because of insufficient revenues in the General Fund The amount payable to any hospital from this appropriation shall be determined by the Department of Welfare with the approval of the Governor

Any law to the contrary notwithstanding amounts payable to hospitals out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare thereunder shall be paid to any hospital therein named if such hospital is a denominational or sectarian institution or corporation or association

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1208. (House Bill No. 1947). entitled:

An Act to amend clause (b) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testimentary guardians to spendthrift trusts to forfeitures of devise or legacy in case of murder of estator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" as amended extending the period for a surviving spouse to elect to take under or against a will in case a will is contested

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1277, (House Bill No. 2314). entitled:

An Act authorizing cities of the Second Class to issue and sell short term promisory notes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1338, (House Bill No. 2482), entitled:

An Act to amend section seventy-four of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws four hundred twenty-seven) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" as amended requiring the sentencing of women to the State Industrial Home instead of to State penitentiaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1339, (House Bill No. 2513), as follows:

An Act providing for a limited period of time for the incorporation as bodies corporate and politic of "Authorities" for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Municipal Authorities Act of one thousand nine hundred and thirty-five"

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise

(a) The term "Authority" shall mean a body politic and corporate created pursuant to this act

(b) The term "Board" shall mean the governing body of an Authority

(c) The term "bonds" shall mean and include the notes bonds and other evidence of indebtedness or obligations which each Authority is authorized to issue pursuant to Section 4(i) of this act

(d) The term 'municipal authority' shall mean the body or board authorized by law to enact ordinances or resolutions for the particular municipality

(e) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable

(f) The term "municipality" shall mean any county city town borough or township of the Commonwealth of Pennsylvania

(g) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Admin-

istrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America

(h) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable

(i) The term "persons" shall mean and include natural persons

(j) The term "project" shall mean any structure facility or undertaking which an Authority is authorized to construct improve maintain or operate under the provisions of this act

Section 3 Method of Incorporation Whenever the municipal authorities of any municipality shall desire to organize an Authority under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation thereof Thereafter [the municipal authorities of such municipality shall cause] a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized and at least one time in a newspaper published and of general circulation in such county Said notice shall contain a brief statement of the substance of said resolution or ordinance including the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania

On or before the day specified in said notice the municipal authorities shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid Said articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that such Authority is formed under this act

(c) A statement that no other authority organized under this act or under the Act approved December twenty-seven one thousand nine hundred and thirty-three Special Session one thousand nine hundred and thirty-three Pamphlet Laws one hundred fourteen is in existence in or for the incorporating municipality

(d) The name of the incorporating municipality together with the names and addresses of its municipal authorities and

(e) The names addresses and terms of office of the first members of the board of said Authority all of which matters shall be determined in accordance with the provisions of this act Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

Upon the issuance of such certificate of incorporation by the Secretary of the Commonwealth the corporate existence of said Authority shall begin Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any Authority which shall have been formed without substantial compliance with the provisions of this section

No authority shall be formed by any municipality which has already organized an authority under this act or under the act approved December twenty-seventh one thousand nine hundred and thirty-three Special Session one thousand nine hundred and thirty-three P. L. 114

Section 4 Purposes and Powers General Every Authority incorporated under this act shall be a body corporate and politic and shall be for the purpose of constructing improving maintaining and operating bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangers low cost housing projects parks recreation grounds and facilities sewers sewer systems sewage treatment works swimming pools play grounds lakes low head dams hospitals and subways (any and all the foregoing being herein called "projects") Provided however that no authority shall be created and no project shall be begun after the expiration of two (2) years from the effective date of this Act and provided further that the purpose and intent of this Act begin to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted by this Act shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have existence for a term of twenty-two years a a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell lease as lessor transfer and dispose of any property or interest therein at any time acquired by it

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts provided however that the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivisions nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions nor shall the Commonwealth of Pennsylvania or

any political subdivisions thereof be liable for the payment of principal of or interest on such obligations

Section 5 Purposes and Powers Bond The bonds of any Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the board thereof and shall be of such series bear such date or dates mature at such time or times not exceeding twenty years from their respective dates bear interest at such rate or rates not exceeding six per cent per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption not exceeding one hundred five per cent of the principal amount thereof and be entitled to such priorities in the revenues or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupon or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered

Said bonds may be sold at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth of Pennsylvania or any political subdivision thereof) for such obligations or restricting the same to all or any of the revenues of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of the project and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls and other charges for use of the facilities of or for the services rendered by the Authority (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

Any Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the Authority thereunder Such deed or trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any project and the duties of the Authority with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorder may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustees of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five perecentum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the facilities of the Authority or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority or the Board might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursments allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Section 7 Governing Body The powers of each Authority shall be exercised by a governing body (herein called the "Board") of five members each of whom shall be a

citizen of the municipality for which the Authority is created The municipal authorities of such municipality shall appoint the members of the Board one of whom shall serve for a year one for two years one for three years one for four years and one for five years from the January first next succeeding the date of incorporation Thereafter the municipal authorities shall at a meeting held at least a month prior to January first in each year in which a vacancy occurs appoint as a member of the Board a citizen of the municipality for which the Authority is created for a term of five years to succeed the member whose term expires on the January first next succeeding Members may succeed themselves and shall receive such salaries as may be determined by the municipal authorities of the municipality but none of such salaries shall be increased or diminished during the term for which the member receiving the same shall have been appointed A member may be removed by the municipal authorities upon ten days' notice after giving him a copy of the charges against him and an opportunity to be heard in his own defense If a vacancy shall occur by reason of the death disqualification resignation or removal of a member the municipal authorities shall appoint a successor to fill his unexpired term

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The Board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The Board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the municipality having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority or of such other person or persons as the Authority may authorize to execute such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs

Section 9 Transfer of Existing Facilities to Authority The Commonwealth the county or any city borough or township in the county may and they are hereby authorized to lease grant or convey to the Authority upon such terms and conditions as are mutually satisfactory to the Authority and the corporate authorities of the Commonwealth the county or any such city borough or township any existing bridges tunnels streets highways parkways traffic distribution centers traffic circles parking spaces airports hangars parks recreation grounds and facilities swimming pools sewers sewer systems sewage treatment works lakes or any part or parts thereof or any interest in real or personal property which may be used by the Authority in the construction improvement maintenance or operation of any project

Section 10 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder after advertisement for bids The Board may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion thereof or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or surities approved by the Authority and in an amount fixed by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract

Subject to the aforesaid any Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof

Section 11 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act Provided however that no property devoted to a public use nor any property of a public service company property used for burial purposes places of public worship or (except in the case of a housing project) a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be taken under the right of eminent domain and provided further that in event of the exercise of eminent domain for the purpose of establishing housing projects the authorities shall first acquire by purchase or option more than sixty-five per centum of the real property or site involved The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by municipalities of the same class as the municipality by which such Authority was organized

Section 12 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority Provided however That the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit

Section 13 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or Federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth of Pennsylvania does further pledge to and agree with the United States and any other Federal agency that in the event that any Federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any project or any portion thereof the

Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between the Authority and any such Federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desirable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of the project or such portion thereof

Section 14 Termination of Authority When any Authority shall have finally paid and discharged all bonds which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project it may (subject to any agreements concerning the operation or disposition of such project) convey such project to the municipality When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against it it may convey all its property to the municipality and terminate its existence A certificate requesting the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth who if he approve shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the Board which shall cause the same to be recorded in the office of the recorder of deeds of the county Thereupon the property of said Authority shall pass to the municipality and the Authority shall cease to exist

Section 15 Exemption from Taxation The effectuation of the authorized purposes of Authorities created under this act shall and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since such Authorities will be performing essential governmental functions in effectuating such purposes such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes and the bonds issued by any Authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

Section 16 Authorities Formed Under Other Acts Any Authority heretofore or hereafter created or organized under the provisions of an act approved December twenty-seven one thousand nine hundred thirty-three entitled "An act providing for the creation of public 'Authorities' in counties of the second class authorizing such 'Authorities' to enter into agreements with the Government of the United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with other defining and providing for the organization and dissolution of such 'Authorities' conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such 'Authorities' may exercise their powers endowing such 'Authorities' with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such 'Authorities' to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes" shall have and may exercise in addition to any rights powers or purposes granted or conferred by such act or any amendment thereto all the rights and powers granted to Authorities created under this act and the purposes specified in Section four of this act shall be included within the purposes of any Authority created or organized under the provisions of the aforesaid act and the rights powers and purposes herein described and conferred upon Authorities shall be cumulative with and not in limitation of the rights powers and purposes granted to or conferred upon such Authorities by any other act

Section 17 If a project shall have been established under this act by a board appointed by a municipality which project is of a character which the municipality has power to itself establish maintain or operate and such municipality desires to acquire the same it may by appropriate resolution or ordinance adopted by the proper authorities signify its desire to do so and thereupon the authorities shall convey by appropriate instrument said project to such municipality upon the assumption by the latter of all the obligations incurred by the authorities with respect to that project

Section 18 This act shall take effect immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1340 (House Bill No. 2566), entitled:

An Act to further amend section fifteen of the act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1311), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the commsision of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act" by making certain changes relative to the commitment to and imprisonment in such institutions for women of more than twenty-four years of age.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1374 (House Bill No. 2398), entitled:

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1375 (House Bill No. 2402), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulating supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1403 (House Bill No. 1115), entitled:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1407 (House Bill No. 2318), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and providing for the approval of a plan of merger without action of the shareholders of the surviving association.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 2 Section 203 Section 204 Section 313 Section 402 Section 411 Section 415 section 604 Section 616 Section 618 Section 621 Section 801 Section 808 Section 910 Section 1002 Section 1003 Section 1009 and Section 1112 of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 2 Definitions A The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Articles" includes the original articles of incorporation any or all amendments thereto articles of merger or consolidation and also what have heretofore been designated by law as certificates of incorporation or charters

"Assets" includes all the property and rights of every kind of the association

"Association" includes any building and loan association organized under this act or heretofore organized under or by virtue of any other law of this Commonwealth

"Authorized Capital" means the sum of the par value of the shares authorized to be issued by an association

"Corporation" means a corporation or joint stock association organized under the laws of this Commonwealth of the United States or of any other state territory foreign country or dependency

"Department" means the Department of Banking of this Commonwealth

"Incorporator" means a signer of the original articles of incorporation

"Mortgage Loans" means loans which are secured pursuant to the provisions of this act by the bond of the borrower by a mortgage on real property and by installment shares

"Person" means an individual or an unincorporated association including a partnership a limited partnership or any other form of unincorporated enterprise owned by two or more individuals

"Shares" means the units into which the shareholders' rights to participate in the control of a building and loan association are divided

"Share Certificate" means a written instrument signed by the proper corporate officers as required by this act and evidencing the fact that the corporation or person therein named is the registered owner of the shares therein described it also includes the term "Certificate of stock" as used in existing laws

"Share Loans" means loans which are secured pursuant to the provisions of this act by the note of the borrower and by prepaid full-paid or installment shares

"Shareholder" means a registered owner of shares in a building and loan association

"Subscriber" means one who subscribes for shares in a building and loan association whether before or after incorporation

"Written" includes printed typewriten engraved lithographed telegraphed cabled radiogramed photographed photostated telephotographed or other form of recorded or transmitted message

B The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 203 Place of Business Change of place of Business A An association shall not hold any of the regular meetings of its directors grant any loans or transact any business except at the place of business designated in its by-laws but the collection of dues interest premiums and fines by any corporation or person authorized by the association to make such collection at any place other than the place of business of the association and the holding of shareholders' meetings shall not be construed to be the transaction of business within the meaning of this section In the event that the place of business designated in the by-laws becomes unavailable the directors may specify another place within the city borough or township as a temporary place of business

B An association may change its place of business to any place within the city borough or township named in its articles in the manner provided in its by-laws An association upon changing its place of business shall forthwith give notice of such change to the Department of Banking [and the Department of State]

Section 204 Branch Offices and Sub-Agencies An association shall not establish maintain or operate either directly or indirectly any branch association branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the holding of the regular meetings of its directors the granting of any loans or the transaction of any part of its business but all of the business of such association shall be carried on solely and exclusively at its place of business The collection of dues interest premiums and fines by any corporation or person authorized by the association to make such collection at any place other than the place of business of the association and the holding of shareholders' meetings shall not be construed to be the transaction of business within the meaning of this section

Section 313 By-laws Adoption Amendment or Repeal Approval by Department A Except as herein otherwise provided the shareholders shall have the power to make alter amend and repeal the by-laws of an association The authority to make by-laws may be expressly vested by the articles in the board of directors subject to the power of the shareholders to change or repeal such by-laws but the board of directors shall not make or alter any by-laws fixing their qualifications classification term of office or compensation [or] any by-laws regulating the proportion of the profits of the association or the rate of interest paid to a withdrawing shareholder or any by-laws authorizing the board of directors without action by the shareholders of the association to approve a plan of merger Unless the articles or by-laws otherwise provided the by-laws shall be adopted altered amended and repealed by a majority vote of the board of directors or of the shareholders entitled to vote thereon as the case may be at any regular or special meeting duly convened after notice to the shareholders or directors of that purpose

B The by-laws of an association may contain any provision for the regulation and management of the affairs of such association not inconsistent with law or the articles

C Immediately upon the adoption of the by-laws or of any additions thereto or any alteration amendment or repeal thereof notice of such fact and a copy of such by-law or such alteration amendment or repeal shall forthwith be sent to the Department of Banking The Department of Banking shall within ninety days after receipt thereof have the power to disapprove for any reasonable cause stated in writing any such by-law or any such alteration amendment or repeal thereof but such by-law alteration amendment or repeal shall be effective until the department actually disapproves it and gives notice thereof to the associatoin

Section 402 Term of Office and Qualification of Directors A The business and affairs of every association shall be managed by a board of at least five directors Except as otherwise provided by this act or by the articles or by-laws of the association such board of directors shall exercise all the powers and fulfill all the duties granted to or imposed upon the association by this act

B Each director shall hold office for the term for which he is elected and until this successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Every director shall during his term of office be a citizen of the United States and [a bona fide resident in this Commonwealth Every director shall own in his own name and free of any lien or encumbrance at least five shares of the association but the number of shares required to be owned by any person who is a director of an association upon the effective date of this act shall be the same as was required by the articles or by-laws of such association prior to the effective date of this act so long as such director shall serve continuously The share certificates or the passbook or other receipt for the minimum number of shares which each director is required to own free of any lien or encumbrance shall be filed unendorsed unpledged and unassigned by him with the treasurer of the association Such shares shall remain in the custody of the treasurer during the term of office of such director

Any director who during his term of service pledges assigns or in any manner ceases to be the owner in his own name of the number of shares which he is required to own free of any lien or encumbrance shall forthwith cease to be a director of the association and his office shall be declared vacant] at least two-thirds of the directors shall during their terms of service be bona fide residents in this Commonwealth

Every director shall be a shareholder of the association Any director who during his term of service ceases to be a shareholder shall forthwith cease to be a director of the association and his office shall be vacant Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

Section 411 Bonds of Officers Directors and Employes A The officers directors and employes of every association [as well as any directors] who are authorized to receive payments of moneys or to handle negotiable securities on behalf of such association shall before be bonded in such form of bond and in such amount as is specified with such corporate surety as is approved by the board of directors [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors or employes] The cost of such bonds may be paid by the association

B The department shall have the power to require any such officer employe or director at any time during his term of office or employment to be bonded in an amount greater than that required by the board of directors or it may require new or additional corporate surety

Section 415 Purchases from and Sales to Directors Officers Solicitors or Employes A An association shall not contract for or purchase from any of its directors officers solicitors or employes any securities or other property or contract for or pay for services rendered in the repair maintenance or management of properties belonging to or under the control of the association unless such [purchase] transaction is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such [purchase] transaction could not be made [from] with another reliable source at a more ravorable price or upon more favorable terms and unless such [purchase] transaction is authorized by the vote of at least two-thirds of all the members of the board of directors or such association who are not interested in such transaction except in the capacity as directors of the association

B An association shall not sell securities or other property owned or held by it to any of its directors officers solicitors or employes unless such sale is made in the regular course of business upon terms not less favorable to the association than those offered to any other corporation or person unless such sale could not be made elsewhere at a more favorable price or upon more favorable terms and unless such sale is authorized by the vote of at least two-thirds of all the members of the board of directors of such association who are not interested in such transaction except in their capacities as directors of the association

C For the purpose of this section a purchase from or a sale to a corporation of which any director officer solicitor or employe described in this section owns ten per centum or more of the outstanding shares or a purchase from or a sale to an unincorporated association of which any such director officer solicitor or employe is a member shall be considered a purchase from or a sale to such director officer solicitor or employe

D Any director officer solicitor or employe of an association who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction.

Section 604 Membership or Withdrawal Fees Other Charges An association shall not levy upon any shareholder or upon any corporation or person intending to become a shareholder a [membership or] withdrawal fee or any other charge not specifically permitted by this act

An association may levy upon any shareholder or upon

any corporation or person intending to become a shareholder a membership fee which shall not exceed one-eighth of one per centum of the par value of each share issued or to be issued to such shareholder corporation or person All membership fees so paid shall be credited to the general profit account of the association and shall not be credited as dues in the passbook or other receipt issued to the shareholder

Section 616 Order of Payment and Funds to Be Used to Pay Matured or Withdrawn Shares Power to Sue A Withdrawn or matured shares shall be paid in the order in which the withdrawals become effective or maturities are declared but withdrawals which become defective or maturities which are declared upon the same day shall be paid on a pro rata basis However the board of directors may at any time either authorize payment of withdrawn [or matured] shares on a pro rata basis or with the consent of the department fix a maximum amount to be paid periodically on such shares The action of the board of directors in authorizing payment to be made on a pro rata basis or in fixing a maximum amount to be paid periodically shall also apply to unpaid withdrawals which became effective [or to unpaid maturities which were declared] prior to the date on which such action was taken by the board of directors

B At least two-thirds of the funds in the treasury of an association shall be applied to the payment of matured or withdrawn shares whenever such amount is necessary for this purpose but the association shall first deduct such amount as shall be necessary to pay current expenses and interest or dividends on full-paid shares to protect or preserve the assets of the association and to make proper provisions for meeting such obligations as it may reasonably be expected to be compelled to pay Whenever two-thirds of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full all matured or withdrawn shares one-third of such funds shall be applied to the payment of matured shares and one-third to the payment of withdrawn shares but if less than one-third of such funds shall be sufficient to pay in full all matured shares the balance of such one-third shall be applied to pay withdrawn shares and conversely if less than one-third of such funds shall be sufficient to pay in full all withdrawn shares the balance of such one-third shall be applied to pay matured shares

C Whenever funds are not available in the manner hereinbefore provided to pay any matured or withdrawn share upon which payment has been due for a period in excess of six months [all] eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted shall be applied to the payment of matured or withdrawn shares Whenever [all] eighty per centum of the funds in the treasury other than such amounts as are required by this section to be deducted are insufficient to pay in full matured or withdrawn shares [one-half] forty per centum of such funds shall be applied to the payment of matured shares and [one-half] forty per centum to the payment of withdrawn shares If less than [one-half] forty per centum of such funds shall be sufficient to pay in full all matured shares the balance of such [one half] forty per centum shall be applied to pay withdrawn shares and conversely if less than [one-half] forty per centum of such funds shall be sufficient to pay in full all withdrawn shares the balance of such [one-half] forty per centum shall be applied to pay matured shares

D Whenever matured or withdrawn shares have not been paid by an association for a period of six months after the maturities have been declared or the withdrawals have become effective owing to the fact that the funds in the treasury which under this act are to be applied to the payment of such shares are insufficient to pay them in full so much of the bonds or other obligations of the United States of the Commonwealth of Pennsylvania or of a Federal Home Loan Bank owned by the association as shall be necessary to pay such matured or withdrawn shares shall be sold and the proceeds paid into the treasury of the association to be used to pay such shares unless the department shall give written permission to the association to hold such bonds or other obligations for a longer period of time

E For the purpose of this section the words "funds in the treasury" shall be construed to include all moneys received by the association from any source whatsoever except money borrowed from the Federal Home Loan Bank

F The holders of matured or withdrawn shares shall not have the power to sue for the amount due them by virtue of such maturity of such withdrawal until such time as under the provisions of this section such matured or such withdrawn shares should have been paid

Section 618 Restriction on Dividends on Full-Paid Shares Undivided Profits A The rate of cash dividend or periodical interest paid on full-paid shares during any year shall not exceed the [net] rate of [dividends earned] earnings apportioned during such year [on all the outstanding] to installment or prepaid shares of the association [less the amount thereof if any set aside as a reserve for contingent losses]

B An association may retain earnings in an undivided profit account to be used at the discretion of the board of directors for that purpose of paying additional dividends provided that the total undivided profits on hand at any one time shall not exceed two per centum of the amount paid in by shareholders on account of shares

Section 621 Reduction of Liability to Shareholders Whenever the losses of any association resulting from a depreciation of its securities or otherwise exceed its accumulated profits and its reserve for contingent losses so that the fair value of its assets is less than the total amount due its creditors and shareholders the court of common pleas of the county in which the place of business of the association is located may upon the petition of the association approved by a majority of all its directors and by the department order a reduction of its liability to its shareholders [in such manner as to distribute the loss equitably among such shareholders] The manner of apportioning the losses among the corporations or persons whose claims arose through the ownership of shares of the association shall be the same as that provided by this act in the case of an association which is in possession of the Secretary of Banking as receiver or which is being liquidated in pursuance of a plan of voluntary dissolution authorized by this act

Such petition shall be advertised at least once in a newspaper of general circulation

Section 801 Powers of Association In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to an association elsewhere in this act an association shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To issue full-paid prepaid and installment shares

(2) To borrow money and in the case of the Federal Home Loan Bank or any other agency or instrumentality of the United States Government other than a national bank to pledge collateral therefor

(3) To grant loans to its shareholders

(4) To make investments

(5) To become a member of the Federal Home Loan Bank or of any other corporation or agency established under the authority of the United States Government and to comply with any of the provisions required for membership in the Federal Home Loan Bank or in such other corporation or agency provided the association is authorized to do so by resolution of its board of directors

(6) To become a member of a league or leagues organized to protect and promote the interests of building and loan associations and to pay dues to or a proportionate share of the expenses of such league or leagues

(7) To purchase improve or lease real property for its accomodation

(8) To make application for and obtain insurance of mortgage and of shares or accounts as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 808 Segregation of Dues Upon Order of Department A Whenever it shall appear to the department that the affairs of an association are in such condition that

the action hereinafter provided in this section is justfied the department may by written order issued in the manner provided by law direct that all payments of dues made on account of installment shares which have not been transferred and pledged to the association as security for loans shall be segregated from the other assets of the association and that the association shall not grant any further loans [issue any new shares] make any payments on account of withdrawn or matured shares or allow any credit for the value of any shares on account of the principal of any loan until such order is revoked in writing by the department Such order of the department shall be known as an order of segregation Such segregated money shall either be kept on deposit in a depository selected in the manner provided by this act or invested in the bonds designated by this act as authorized investments for associations The moneys so segregated and the bonds in which such moneys are invested shall be known as the segregated fund

If an association at any time after an order of segregation has become effective has no liability except to its shareholders arising from the ownership of shares it may with the written consent of the department transfer to the segregated fund a portion or all of any cash which it may have on hand and bonds if any designated by this act as authorized investments Cash and bonds so transferred shall become a part of the segregated fund the same as though paid into the segregated fund by the shareholders whose shares are not pledged to the association as security for loans in proportion to the amounts paid in on account of their shares on the date that the order of segregaion was issued Such segregated fund shall not be subject to any attachment issued on a judgment obtained by any creditor or shareholder of the association

During the period of segregation the segregated fund shall be available exclusively for the benefit of the shareholders who made such payments or for whose benefit the transfer of cash and bonds was made and may be withdrawn during such period of segregation upon thirty days' written notice

B All dues paid in during the period of segregation by shareholders whose shares are pledged to the association as security for loans shall be known as segregated credits and shall be applied as credits against the principal of any loans so secured which are repaid during the period of segregation

When any transfer of cash and bonds is made to the segregated fund the shareholders whose shares are pledged to the association as security for loans shall be entitled to segregated credits which shall bear the same relation to the amounts paid in by them on account of their shares prior to the effective date of the order of segregation as the amount of cash and bonds so transferred bears to the total amount paid in on account of shares prior to the effective date of the order of segregation by shareholders whose shares are not pledged as security for loans

If at any time during the period of segregation the segregated credits on shares pledged for a loan exceed the amount of the loan for which such shares are pledged all payments made by the borrower thereafter shall be segregated in the same manner as payments made by shareholders whose shares have not been pledged to the association as security for loans

C If the Secretary of Banking shall in the manner provided by law take possession of the business and property of an association while an order of segregation is in force or if a liquidating trustee or liquidating trustees shall pursuant to a plan of voluntary dissolution take possession of the business and property of such association while such order is in force the amount in the segregated fund shall be paid only to the shareholders whose payments were segregated or for whose benefit the transfer of cash and bonds was made and only to the extent that they can be paid from the segregated fund or from the proceeds of the sale of the bonds in which such segregated fund has been invested and the shareholders whose shares have been transferred and pledged as security for loans shall receive credit on account of the principal of their loans for the full amount of their segregated credits

D If an association while an order of segregation is in force shall enter into an agreement of merger or consolidation with another association or with other associations the shareholders whose shares have not been pledged to the association as security for loans shall receive credit in full for their interest in the segregated fund on account of the shares of the surviving or new association into which their shares are converted and the shareholders whose shares have been pledged to the association as securtiy for loans shall receive credit in full for their segregated credits on account of the shares of the surviving or new association into which their shares are converted

E If while an order of segregation is in force the liability of an association to its shareholders shall be reduced by order of the court of common pleas pursuant to the provisions of this act the interest of the shareholders in the segregated fund and the segregated credits of shareholders shall not be reduced by the order of court but such shareholders shall receive credit in full on account of their shares for such interest in the segregated fund or for such segregated credits

F The department may revoke an order of segregation whenever it shall appear that the condition of an association justifies such action In such event the association may exercise all the powers it could have exercised prior to the issuance of such order It shall treat all payments on account of shares or otherwise made by shareholders during the period of segregation and all segregated credits in the same manner as all other payments on account of shares whenever made

G The department in its order of segregation may impose all or any part of the directions authorized by this section or may limit modify or qualify them and may also from time to time after an order of segregation has been issued by an amended order or orders limit modify or qualify directors already given but this subsection shall not be construed to authorize the department to omit from the original order of segregation or to limit modify or qualify the requirement that all payments of dues made on account of installment shares which have not been transferred and pledged to the association as security for loans shall be segregated from the other assets of the association In the event that a limited modified or qualified order of segregation is issued by the department the association shall have the right to conduct its business in accordance with such order or amended order of segregation as limited modified or qualified

Section 910 Security for Share Loans An association may grant share loans to any of its shareholders upon the following security only The note of the borrower secured by the transfer and pledge to the association of installment full-paid or prepaid shares which have not previously been transferred or pledged to anyone other than the association the amount paid in on account of such shares prior to or at the time of the granting of any loan upon the security of such shares shall be at least equal to the total amount of all loans granted thereon

Section 1002 Approval of Joint Plan of Merger or Consolidation A The board of directors of each of the associations which desire to merge consolidate shall by resolution adopted by at least a majority of all the members of each board approve a joint plan of merger or consolidation as the case may be setting forth the terms and conditions of the merger consolidation and the mode of carrying the same into effect the manner and basis of converting the shares of each association into shares of other securities or obligations of the surviving new [corporation] as the case may be and such other details and provisions as are deemed necessary

B The board of directors of each association upon approving such plan of merger or plan of consolidation in accordance with the provisions of this act shall by resolution direct that the plan be submitted to a vote of the shareholders of such association entitled to vote thereon at an annual or special meeting of the shareholders Written notice shall not less than fifteen days before such annual or special meeting be given respectively to each shareholder of record unless the plan of merger or [plan of] consolidation contemplates an increase in the author-

ized capital of the constituent associations in which event sixty days' notice of such meeting shall be given to each shareholder The notice shall state the place day hours and purpose of the meeting and a copy of a summary of the plan of merger or plan of consolidation as the case may be shall be included in or enclosed with such notice

Provided however that in the case of the surviving association in a merger if the articles or by-laws specifically so provide the plan of merger shall not be required to be submitted to the shareholders for approval but in such case written notice of such contemplated merger shall be given to all shareholders of the surviving association prior to the day upon which the articles of merger are filed with the Department of State

And provided further that in such event upon request in writing to the secretary of the association any shareholder of the surviving association shall be entitled to receive forthwith a copy of the proposed plan of merger

C The plan of merger or consolidation shall be ratified upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon of each of the merging or consolidating associations except in the case of a surviving association the articles or by-laws of which pursuant to this act provide that action by the shareholders shall not be required in which case no ratification shall be necessary

Section 1003 Articles of Merger or Consolidation Upon the approval pursuant to the provisions of this act of the plan of merger or the plan of consolidation by the shareholders of the associations desiring to merge consolidate or in the case of a surviving association the articles or by-laws of which pursuant to this act provide the action by the shareholders shall not be required upon the giving of written notice to the shareholders of the intention of the board of directors to file articles of merger with the Department of State articles of merger or articles of consolidation as the case may be shall be executed under the seal of each association and verified by two duly authorized officers of each association and shall set forth

(1) The name of the surviving or new association

(2) The time and place of the meeting of the directors at which the plan of merger or consolidation was proposed and except where pursuant to the provisions of this act the plan of merger is not submitted to a vote of the shareholders of the surviving association the time and place of the meeting of the shareholders of each association at which the plan of merger or consolidation as the case may be was ratified the kind and period of notice given to the shareholders and the total vote by which the plan was adopted

(3) In the case of a merger any changes desired to be made in the articles of the surviving association or in the case of a consolidation all of the statements required by this act to be set forth in the original articles in the case of the formation of an association

(4) The number names and addresses of the persons to be the first directors of the surviving or new association

(5) The plan of merger or consolidation

Section 1009 Rights of Dissenting Shareholders A If any shareholder of an association which becomes a party to a plan of merger or consolidation shall file with such association prior to or at the meeting of shareholders at which the plan of merger or consolidation is submitted to a vote or in the case of a shareholder of a surviving association which pursuant to the provisions of this act becomes a party to a plan of merger without action by its shareholders shall file within twenty days after the written notice of such merger has been given as required by this act a whitten objection to such plan of merger or consolidation and shall not vote in favor thereof and such shareholder within twenty days after the merger or consolidation was effected shall make written demand on the surviving or new association for the payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger or consolidation or in the case of a surviving association which pursuant to this act became a party to the merger without action of its shareholders the day prior to the date on which the articles of merger were filed with the Department of State without regard to any depreciation or appreciation thereof in consequence of the merger or consolidation the surviving or new association shall pay to such shareholder the fair value of his shares upon surrender of the share certificate or other evidence of his shares The demand of the shareholder shall state the number and kind of the shares owned by him Any shareholder [failing] who fails to file such written objection or any shareholder who files such written objection and fails to make demand within the twenty-day period shall be conclusively presumed to have consented to the merger or consolidation and shall be bound by the terms thereof if within thirty days after the date on which such merger or consolidation was effected the value of such shares shall be agreed upon by the dissenting shareholder and the surviving or new association payment thereof shall be made in cash within ninety days after the date on which such merger or consolidation was effected upon the surrender of the share certificate or other evidence of his shares Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the association

B If within such period of thirty days the shareholder and the surviving or new association do not so agree then the dissenting shareholder may within sixty days after the expiration of the thirty-day period apply by petition to the court of common pleas in equity within the county in which the place of business of the surviving or new association is situated for the appointment by the court of three disinterested persons to appraise the fair market value of his shares without regard to any depreciation or appreciation thereof in consequence of the merger or consolidation The award of the appraisers or of a majority of them when confirmed by the court shall be final and conclusive The costs of such appraisal including a reasonable fee to the appraisers shall be fixed by the court and shall be assessed either upon the new or surviving association or upon the dissenting shareholder or upon both in the discretion of the court The award shall be payable only upon and simultaneously with the surrender to the surviving or new association of the share certificate or certificates representing the shares of the dissenting shareholder If the award shall not be paid by the surviving or new association within thirty days after the award was made by the appraisers the amount of the award shall be a judgment against the surviving or new association as the case may be and may be collected as other judgments in such court are by law collectible Upon the payment of the award or judgment the dissenting shareholder shall cease to have any interest in such shares or in the surviving or new association Unless the dissenting shareholder shall file a petition within the time herein limited such shareholder and all persons claiming under him shall be conclusively presumed to have approved and ratified the merger or consolidation and shall be bound by the terms thereof The right of the dissenting shareholder to be paid the fair value of his shares as herein provided shall cease if and when the association shall abandon the merger or consolidation

Section 1112 Order of Preference in Distribution A The following shall be the order followed by the liquidating trustee or trustees as the case may be in the distribution pursuant to the provisions of this act of the assets of any association which is being liquidated in pursuance of a plan of voluntary dissolution

First Any reasonable expense incurred by the liquidating trustee or trustees as the case may be in the management liquidation or distribution of the assets and affairs of the association any fee or other debt owing to the department for examinations or other services rendered or penalties incurred any other claim of the Commonwealth of Pennsylvania and any other claim which is given a preference by law

Second Any claim of a creditor of the association other than the claim of a shareholder arising from his ownership of shares

Third Any claim of a shareholder whether or not reduced to a judgment arising from his ownership of shares whether such shares be installment fullpaid prepaid matured or any other type and whether or not notice of withdrawal of such shares has been given to the association

The amount of the claim arising from each share shall be the amount actually paid in on account of such share less any amount lawfully deductible therefrom by the association except in the case of a lawfully and properly matured share in which case the amount of the claim shall be the actual par value of the share less any payment received on account thereof from the association and less any other amount lawfully deductible therefrom by the association

B Every claim enumerated above shall have the same rank and priority as every other claim in the same numbered paragraph regardless of the order in which such claims are enumerated

C All claims provided for in this section shall be construed to refer only to claims presented to the liquidating trustee or trustees in the manner provided in this act and approved by him or them in accordance with the plan of dissolution

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 1, page 3, line 16 by inserting after the word "or" and before the word "joint" the word "a"; amend section 1, page 7, line 22 by striking out after the word "until" and before the word "successor" the word "this"; amend section 1, page 7, line 22 by inserting after the word "until" and before the word "successor" the word "his"; amend section 1, page 8, line 21 by striking out after the word "be" and before the word "vacant" the word "declared"; amend section 1, page 8, line 27 by inserting after the word "be" and before the word "vacant" the word "declared"; amend section 1, page 9, line 5 by striking out after the word "shall" and before the bracket the word "before"; amend section 1, page 17, line 12 by striking out after the word "segregated" and before the word "shall" the word "money"; amend section 1, page 17, line 12 by inserting after the word "segregated" and before the word "shall" the word "moneys"; amend section 1, page 23, line 15 by inserting after the bracket and before the word "as" the word "association"; amend section 1, page 26, line 3 by striking out after the fourth dark bracket and before the fifth dark bracket the word "now"; amend section 1, page 26, line 3 by inserting after the fourth dark bracket and before the fifth dark bracket the word "new"; amend section 1, page 36, line 20 by inserting at the beginning of the line the word "new."

Mr. GRAFF. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2. This act shall become effective immediately upon its final enactment.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by further defining the rights powers duties liabilities and immunities of building and loan associations and of their officers directors shareholders solicitors and other employes and providing for the approval of a plan of merger without action of the shareholders of the surviving association

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1430, (House Bill No. 248), entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1479, (House Bill No. 2487), entitled:

An Act to further amend Sections Eight Ten Sixteen and Seventeen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties

townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by providing for the abandonment of sections of State Highway Routes providing an effective date for the condemnation of easements for highway purposes and slopes providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings extending the Commonwealth's obligation to additional bridges providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures requiring occupancy permits for additional types of structures

The first, second and third sections of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred thirty-one) and the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 8 [Whenever it shall appear to the Secretary of Highways that any part or portion of a State highway as now or hereafter defined and described is dangerous or inconvenient to the traveling public in its present location either by reason of width grades dangerous turns or other local conditions or that the expense to the Commonwealth in the construction building rebuilding maintenance and repair thereof would be too great or unreasonable and could be materially reduced or lessened by a change of the road or route] The Secretary of Highways is hereby empowered to change alter or establish the width lines location or grades of [such] any State highway or any intersecting road in such manner as in his discretion may seem best in order to correct [said] danger or inconvenience to the traveling public or lessen the cost to the Commonwealth [and] in the construction reconstruction or maintenance thereof After the relocation has been opened to traffic the Secretary of Highways by notice to the local authorities may abandon as a State highway route all or any part of the section of highway between the termini of the relocation Where the [portion of the line or route so abandoned shall be entirely contiguous to the new line or being of a length not exceeding one half of a mile shall have both termini in the new route whereby such new route supplies and takes the place of the abandoned portion so that in the opinion of the Secretary of Highways the same shall be unnecessary for public use and travel or burdensome or dangerous the Secretary of Highways may at any time by written order declare the portion of the road so abandoned to be vacated and thereafter the same shall be closed to public use and travel and shall no longer be a public road or where the portion of the line or route so abandoned shall have both termini in the new route whereby such] new route in the judgment of the Secretary of Highways supplies and takes the place of any part of such abandoned portion and such part is of a length [in excess] of [one-half mile and] not more than two miles the Secretary of Highways being of the opinion that such part shall be unnecessary for public use and travel or burdensome or dangerous and having due regard for the convenience of access to the new highway by the owners of property abutting on such part may at any time by written order declare such part to be vacated [upon being requested so to do by a petition signed by the owners of property comprising at least three-fourths of the lineal foot frontage which abuts the part to be vacated] and thereafter the part so vacated shall be closed to public use and travel and shall no longer be a public road Provided That the said Secretary of Highways shall first submit a plan of the proposed change and any proposed order of vacation to the Governr and that the same shall be approved by him and filed as a public record in the office of the Department of Highways The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway purposes from all property within the lines marked as required for right-of-way and the condemnation of an easement of support or protection from all property within the lines marked as required for slopes

The Secretary of Highways shall also have power with the approval of the Governor to establish the ultimate width and lines of any State highway for future construction before or after the construction reconstruction or improvement of the same not however exceeding the maximum width fixed by law for public roads [Whenever the Secretary of Highways shall establish the] The establishment of such ultimate width and lines [of any such State highway] for future construction [he] shall [cause] be by a description and plan [thereof to be made] showing the center line of said highway and the established ultimate width thereof for future construction [and shall attach thereto his] bearing the acknowledgment [.] of the Secretary of Highways Thereupon such description plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county in a separate book kept for such purpose which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county All costs of the recording as herein provided shall be paid by the county

The Secretary of Highways shall have power with the approval of the Governor to change any plan of record by reducing the width of any State highway or section thereof established as hereinbefore provided by causing a new description and plan thereof to be made showing the center line of said highway and the new established width thereof and shall attach thereto his acknowledgment Thereupon such description plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county as hereinbefore provided and a notation shall be made on the prior plan that the same has been replaced by a later plan

No person shall [hereafter] be entitled [for a period of two years from the approval of this act] to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the lines of any such State highway after the same shall have been established for future construction and recorded as aforesaid

No person shall be entitled to damages by reason of such establishment of the ultimate width and lines of a State highway for future construction and where the Commonwealth by its proper authorities has improved and constructed or shall hereafter improve and construct such State highway and in so doing has taken or shall take a part only of the lands lying within the lines shown by such plan damages shall be allowed for and to the extent of such actual taking only Such taking shall be deemed to occur only when right-of-way plans or construction drawings prepared by the Department of Highways showing thereon the right-of-way required for highway purposes and for slopes shall have been approved by the Secretary of Highways and the Governor and filed as a public record in the office of the Department of Highways

Section 2 Section Ten of the said Act as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred two) is hereby further amended to read as follows

Section 10 Anything herein contained or any apportionment of the State into highway districts shall not be construed as including or in any manner interfering with the roads streets and highways in any of the cities boroughs or incorporated towns of the Commonwealth Pro-

vided That where any road streets or highway shall form a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town the Department of Highways shall improve or reconstruct any section or sections of such road street or highway which have heretofore been maintained or are hereafter established as State highways to be maintained by the Department of Highways to such width as it may deem advisable at the expense of the Commonwealth

The maintenance of any road street or highway which forms a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town shall be done by the Department of Highways at the expense of the Commonwealth Provided That all improvements reconstruction and maintenance of any road street or highway in boroughs or incorporated towns shall be of such width and type as may be determined by the Secretary of Highways

The Department of Highways shall also construct reconstruct and maintain any bridge over a stream which the borough or incorporated town is obligated to maintain and which bridge is located on or forms a part of a State highway [established prior to the twenty-second day of June one thousand nine hundred thirty-one] within the limits of any borough or incorporated town Provided That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any highway within the limits of a borough or incorporated town and no such assessment shall hereafter be made under any act of Assembly heretofore enacted And provided further That nothing in this act shall be construed as placing on the Commonwealth the payment of any costs of construction or reconstruction of any such bridges in boroughs or incorporated towns for the construction or reconstruction of which a contract has been let prior to the effective date of this act and the Department of Highways shall not assume the obligation for the construction reconstruction or maintenance thereof until such contract has been performed

No opening shall be made in the surface of any improved highway which is maintained by the Department of Highways under the authority of this act within the limits of any borough or incorporated town until and unless a permit has been obtained for such opening either from the municipal authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the municipality Where a permit is not obtained from the Department of Highways as above provided the borough or incorporated town shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highways without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25) dollars and in addition thereto the cost of prosecution and surface restoration costs and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 3 That Section Sixteen of said act as amended by Act of Assembly approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws two hundred nine) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction re-

struction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such

damages to be ascertained in the manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county [or Commonwelath] shall also provide for the removal of all structures within the lines of the highway as thus established [as may be] unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highways as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes affect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

The fourth section of the bill was read as follows:

Section 4 That section seventeen of the said act as last amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 17 All State highways under the provisions of this act shall be marked with suitable signs having the words "State Highway" and year-date thereon and signs or distance board giving directions to towns or villages shall be erected at cross or intersecting roads the same to be paid for as part of the cost of the highway The Secretary of Highways may also cause trees to be planted and maintained along such highways the same to be paid for as a part of the cost of the road No railroad or street railway shall hereafter be constructed upon any State highway or State-aid highway nor shall any railroad or street railway crossing nor any gas pipe water pipe electric conduits or other piping be laid upon over under or in nor shall any telephone telegraph or electric light or power poles or [any coal tipples or any] other [obstruction] structures be erected upon over or in any portion of a State highway or State-aid highway nor shall any opening be made therein except under such conditions restrictions and regulations and subject to the payment of such fees for permits for the placing replacing repair and removal of such structures and openings as may be prescribed and required by the Department of Highways such fees not [exceeding] to exceed the reasonable cost of [issuing the permit expense of inspecting the work authorized by such permit upon completion thereof] permit issuance inspection and surface restoration costs The Secretary of Highways shall also have authority to issue permits to any public utility company for the occupancy by the facilities of such company of any bridge under the control or jurisdiction of the Department of Highways Such permits shall be for such length of time and for such fee for the occupancy of said bridge as may be determined by the Secretary of Highways subject to the right of the utility company to appeal to the court of common pleas of the proper county having jurisdiction thereof as to the reasonableness of the fee of the occupancy All fees so collected shall be paid into the State Treasury and shall be credited to the special fund in the State Treasury into which motor vehicle registration and license fees are now paid and all such fees in said fund from time to time are hereby specifically appropriated to the Department of Highways for expenditures for the same purposes and in like manner as that for which the moneys now in said fund may be expended Any person failing to obtain such a permit before doing any work on any highway for which a permit is required by this section shall for every such offense be sentenced upon conviction in a summary proceeding to pay a fine not exceeding one hundred dollars ($100) and costs together with the cost of restoring any highway which shall be paid into the State Treasury and credited to the Motor License Fund as hereinbefore provided The Secretary of Highways is empowered to make reasonable rules and regulations governing the use of all State highways and State-aid highways and any person violating such rules or regulations or who shall by the use of roughlocks dragchains upon wagon wheels or by any other method or device or in any manner wilfully or maliciously destroy injure or damage any such highway in this Commonwealth shall be guilty of a misdemeanor and upon arrest and conviction therefor shall pay a fine of not less than ten dollars ($10) nor more than twenty dollars ($20) for each and every offense together with the costs of prosecution which shall be recovered as in similar cases upon complaint of any person before a magistrate or justice of the peace and the fine or fines so recovered shall be paid into the State Treasury

On the question,

Will the Senate agree to the section?

Mr. GELDER. Mr. President, I move to amend page 16, section 17, line 19—at the beginning of the line strike out the words: "replacing repair and removal"

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to further amend sections eight ten sixteen and seventeen of an act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highway solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract

except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by providing for the abandonment of sections of State Highway Routes providing an effective date for the condemnation of easements for highway purposes and slopes providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings extending the Commonwealth's obligation to additional bridges providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures requiring occupancy permits for additional types of structures.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1495 (House Bill No. 2245), on second reading, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

be recommitted to the Committee on Judiciary General.

Mr. SORDONI. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1545 (House Bill No. 272), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (P. L. 148) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing penalties for violations thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1567 (House Bill No. 2213), entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1577 (House Bill No. 2583), entitled:

An Act to amend sections 102 203 as amended section 209 sections 405 410 411 as amended sections 505 602 712 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the bill were read and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following definitions appearing in section one hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon

the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one Pamphlet Laws seven hundred fifty-one are hereby further amended to read as follows

"Commercial Motor Vehicle" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation [with] to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Motor Cycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground except any such vehicle as may be included within the term "tractor"

"Tractor" Every vehicle of the tractor type [excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks] as defined in the Tractor Code

Section 2 That section one hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-two) is hereby further amended by adding the following definition

"Flammable Liquid" Any liquid which has a flash point of seventy degrees Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

Section 3 That subsection (b) of section two hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 203 Contents Delivery and Life of Certificate of Title

(b) Where there are no liens or encumbrances upon the motor vehicle the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance upon said motor vehicle and be retained by such person until the entire amount of such first lien or encumbrance is fully paid by the owner of said motor vehicle Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle with proper evidence of satisfaction of same A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied

Penalty Any person failing to deliver upon demand a satisfied certificate of title as required by the provisions of subsection (b) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for a second offense be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 4 That subsection (a) of Section two hundred nine of said act be and the same is hereby amended to read as follows

Section 209 Records of Stolen Motor Vehicles

(a) It shall be the duty of the secretary whenever he receives report of the theft of a motor vehicle whether the same has been registered or not and whether ownd in this or any other State together with the name and manufacturer's serial number thereof to make a distinctive record thereof and file the same in numerical order of the manufacturer's serial number with the records of the vehicles of such name already titled Such records may at the discretion of the Secretary be destroyed after three (3) years

Section 5 That subsection (a) of Section four hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 402 Application for Registration

(a) Application for the registration of a motor vehicle trailer or semitrailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of commercial motor vehicles the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body if so constructed or the gross weight of the trailer or semitrailer exclusive of the load to be transported and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certificate of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by said corporation copartnership or association to sign the same and shall be accompanied by the fee provided in this act

Section 6 That section four hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 410 Registration Shall Be Refused

The department shall not register any vehicle in any of the following events

1 When the applicant therefor is not entitled thereto under the provisions of this act

2 When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department

3 When the fees required therefor by law have not been paid

4 When the vehicle is not constructed or equipped as required by this act

[5 When evidence of recent inspection and approval of a used motor vehicle by an official inspection station is not presented as required by this act]

Section 7 That subsection (c) of Section four hundred eleven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 411 Transfer of Registration

(c) The application shall contain the full name and the actual or bona fide address of the owner together with

the name manufacturer's serial number engine number the character of the motive power and the horse power or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certification of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

Section 8 That subsection (d) of Section five hundred five of said act be and the same is hereby amended to read as follows

Section 505 Lost Defaced or Substituted Registration Plates

(d) Upon the receipt of new plate or plates it shall be the duty of the owner to return immediately to the department for cancellation the old registration plate or plates unless lost or destroyed

Penalty Any person violating any of the provisions of subsection (a) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 9 That section six hundred two and seven hundred twelve of said act be and the same is hereby amended to read as follows

Section 602 Persons Exempt from License

Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act

Section 712. Lighting Equipment.

The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved.

The fee for approval and registration of rear lamps, signal lamps, reflectors, and mechanical signal devices shall be fifty ($50) dollars for each type approved.

The fee for approval and registration, incident to the renewal of a certificate of approval for head lamps, shall be fifty ($50) dollars.

The fee for approval and registration, incident to the renewal of a certificate of approval for auxiliary driving lamps, rear lamps, signal lamps, reflectors, and mechanical signal devices, shall be twenty-five ($25) dollars.

Section 10 That section seven hundred sixteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 716 Certificates of Title Duplicate Certificates of Title

The fee for each certificate of title shall be two ($2) dollars except in the case where a certificate of title is issued in the name of manufacturer jobber or dealer then the fee shall be fifty ($.50) cents The fee for a duplicate certificate of title shall be [fifty ($.50) cents] one ($1) dollar

Section 11 That section seven hundred seventeen of said act be and the same is hereby amended to read as follows

Section 717 Certified Copies of Records

The fee for certified copy or certified photostat copy of any department record shall be one ($1) dollar for each form or supporting document comprising such record

Section 12 That section seven hundred nineteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 719 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for cancelling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 13 That subsection (e) of section seven hundred twenty-two of said act as amended by the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws eleven hundred thirty-seven) is hereby further amended to read as follows

Section 722 Exemptions From Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semitrailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) and city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anticruelty society in this Commonwealth (f) [by] the American Red Cross (g) [by] churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semitrailers

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section seven hundred twenty-two (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

The fourteenth section of the bill was read as follows:

Section 14 That section eight hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 801 Required Lighting Equipment

(a) When Lights Must be Displayed Every vehicle upon a highway within this Commonwealth during the period from one (1) hour after sunset to one (1) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible [any person] persons and vehicles on the highway at a distance of [two] five hundred [(200)] (500) feet ahead shall be equipped with lighted [front and rear] lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a Motorcycle or Bicycle with motor attached shall be equipped with two (2) head lamps and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of their use are approved by the secretary

(c) Head Lamps on Motorcycles Every motorcycle shall be equipped with at least one (1) head lamp and not more than two (2) which shall comply with the requirements and limitations set forth in this act and [except

as to acetylene head lamps] shall be of a type which at the time of its use is approved by the secretary

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the secretary and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [and] Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear lamp said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(e) [Clearance Lamps Every vehicle having a width at any part in excess of ninety (90) inches shall carry at least one (1) clearance lamp on the left side of such vehicle and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and displaying a red light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle Provided That motorcycles having more than two (2) wheels or with side car equipment shall display a clearance lamp in such a manner as to indicate the right lateral extension of the vehicle Every combination of vehicles couples together having an overall length in excess of thirty-five (35) feet shall carry at least one (1) clearance lamp on both the right and left sides of such vehicles and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front and rear of such vehicles]

Reflectors Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on a highway shall display at the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever red or green reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the Secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposed to a motor vehicle displaying lawfully lighted head lamps as provided in this act

(f) Every commercial motor vehicle trailer or semitrailer or every motor omnibus or motor bus except motor buses or motor omnibuses operated entirely within municipalities when their interiors are illuminated shall display lighted lamps at the times mentioned in subsection (a) when and as required in this section except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred (500) feet

1 Clearance Lamps Every such vehicle having a width at any part in excess of eighty (80) inches shall be equipped with two (2) clearance lamps located on the extreme left side of such vehicle one located at the front and displaying a green light visible from a distance of five hundred (500) feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of five hundred (500) feet to the rear of the vehicle and said rear clearance lamp shall be in addition to the red rear lamp hereinbefore required Provided however that vehicles equipped with acetylene headlamps may in lieu of such clearance lights be equipped with a green reflector in front and a red reflector in the rear which shall be so designed and maintained to meet the requirements as to reflectors provided in this section

2 Identification Lamps Front and Rear Every motor vehicle trailer or semitrailer or combination of such vehicles having a length in excess of thirty (30) feet or a width in excess of eighty (80) inches shall be equipped with lamps on the front displaying three (3) green lights and lamps on the rear displaying three (3) red lights and the lights in each such group shall be evenly spaced not less than six nor more than twelve (12) inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of five hundred (500) feet to the front and rear respectively of the vehicle Provided however that vehicles equipped with acetylene headlamps may in lieu of such identification lamps be equipped with red and green reflectors

3 Side Marker Lamps Every such vehicle or combination of such vehicles which exceeds twenty (20) feet in overall length shall be equipped with at least four (4) side marker lamps one (1) on each side near the front and one (1) on each side near the rear Said lamps near the front shall display green lights and said lamps near the rear shall display red lights each visible from a distance of five hundred (500) feet to the side of the vehicle on which it is located If the clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of five hundred (500) feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph In lieu of such side marker lamps any such vehicle may be equipped with four (4) reflectors two (2) on each side and otherwise meeting the requirements of this act

[(f)] (g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least [two] five hundred [(200)] (500) feet in front of such bicycle or bicycle with motor attached and shall also be equipped with a [reflex mirror] red reflector or lamp on the rear exhibiting or reflecting a red light visible under like conditions from a distance of at least [two] five hundred [(200)] (500) feet to the rear of such bicycle or bicycle with motor attached

[(g)] (h) Lights on Other Vehicles All vehicles not required in this act to be equipped with specific lighted lamps shall carry one (1) or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front and with a lamp or lantern displaying a red light visible from a distance of five hundred (500) feet to the rear of such vehicles except for vehicles other than motor vehicles loaded with hay or straw in bulk

[(h)] (i) Lights on Parked Motor Vehicles Whenever a motor vehicle is parked or stopped upon a highway or shoulder adjacent thereto whether attended or unattended during the time when lights are required by this section may in lieu of the lighting equipment specified show one (1) white or green light carried on the left side of the motor vehicle visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear Provided That local authorties may by ordinance establish zones within which motor vehicles may remain standing without lights Any lighted headlamps upon a parked vehicle shall be depressed or dimmed

Penalty Any person violating any of the provisions of subsection (a) (b) (c) (d) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (f) [or] (g) (h) or (i) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

On the question,

Will the Senate agree to the section?

Mr. SORDONI. Mr. President, I move to amend section 14, page 13, line 13, by striging out the word "section" and insert in lieu thereof the following: "sections seven hundred and twenty-three and;" also page 13, line 17, by inserting after said line the following: "Section 723. No Other Taxes or Fees to be Imposed; Exception. No city, borough, incorporated town, township or county shall require or collect any registration or license fee or tax for any motor vehicle, trailer or semi-trailer, or license from any operator thereof, except that cities may levy a fee or tax upon motor buses and motor omnibuses transporting passengers for pay or hire within the limits of any city, or from points within such city [to points outside of the city limits] to its suberbs which are within a radius of ten miles."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agrèe to the amendment?

It was agreed, to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth to forty-third sections inclusive of the bill were read as follows and agreed to:

Section 15 That section eight hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 802 Additional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed [two (2)] one (1) spot [lamps except that a motorcycle shall not be equipped with more than (1) spot lamp] lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the [center of the highway] prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not [less than two (2)] to exceed three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary

(c) Signal Lamps and Mechanical Signal Devices 1 Whenever a motor vehicle is equipped with a signal lamp or a signal device [the signal lamp shall be] so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red [or green] in color [which] and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front or rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of a type which at the time of [its] their use [is] are approved by the secretary

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be [so constructed and located on the vehicle as to give a signal plainly visible from a distance of one hundred (100) feet to the rear of the vehicle] self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

[(d) Reflector Any vehicle may be equipped with a reflector so located as to reflect rays of light thrown upon such reflector]

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 16 That the said act is hereby amended by adding to Article eight the following section eight hundred two and one-tenth eight hundred two and two-tenths eight hundred two and three-tenths and eight hundred two and four-tenths

Section 802.1 Multiple Beam Road Lighting Equipment

Except as hereinafter provided the headlamps or the auxiliary driving lamps or combinations thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations subject to the following requirements and limitations

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading The maximum intensity of this uppermost distribution of light or composite beam one (1) degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8000) apparent candlepower and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower

(b) There shall be a lowermost distribution of light or composite beam so aimed that

1 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of ten (10) inches below the level of the center of the lamp from which it comes

2 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme life side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes

3 In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(c) Where one intermediate beam is provided the beam on the left side of the road shall be in conformity with subsection (b) one of this section except when arranged in accordance with the practice specified in subsection (e)

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead

(e) All road lighting equipment manufactured and installed on and after January first one thousand nine hundred thirty-six shall be so arranged that whenever any beam is used which is not in conformity with subsection (a) of this section two (2) white or yellow lights one (1) on each side of the vehicle visible to an oncoming driver and to the driver of said vehicle shall be lighted except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on Indicator lights shall not be connected otherwise than as required in this paragraph Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lighted when a beam is in use which conforms with subsection (b) one of this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.2 Use of Multiple Beam Road Lighing Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times

specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.3 Single Beam Road Lighting Equipment Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet

(c) Any motor vehicle may be operated under the conditions specified in section eight hundred one (801) when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps otherwise required Provided however that at no time shall be it operated at a speed in excess of twenty (20) miles per hour.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.4 Number of Driving Lamps Required or Permitted

(a) At all times specified in section eight hundred one (801) at least two (2) lighted lamps shall be displayed one on each side at the front of every motor vehicle exceept when such vehicle is parked subject to the regulations governing lights on parked vehicles

(b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway

(c) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle

(d) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare

(e) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare

(f) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion

(g) No person shall operate or move any vehicle except fire department and fire patrol apparatus upon a highway with a red light displayed on the front thereof

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 That section eight hundred three of the said act is hereby repealed [Section 803 Requirements as to Head Lamps and Auxiliary Driving Lamps]

[(a) The head lamps or head lamp of motor vehicles shall be so constructed arranged adjusted and attached that except as provided in this act they will at all times mentioned in this act and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible all vehicles persons or substantial objects one hundred sixty (160) feet ahead but shall not project a glaring or dazzling light to persons in front of such head lamps or head lamp Provided That for motorcycles the distance at which vehicles persons or substantial objects shall be clearly discernible shall be one hundred fifteen (115) feet]

[(b) Head lamps or head lamp shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if no part of the main bright portion of the headlamp beam rises above a horizontal plane passing through the lamp centers parallel to the level of the highway upon which the loaded vehicle stands and in no case higher than forty-two (42) inches at a distance seventy-five (75) feet ahead of the vehicle]

[(c) Whenever a motor vehicle is being operated upon a highway or a portion thereof which is sufficiently lighted to reveal vehicles persons or substantial objects on such highway at a distance of two hundred (200) feet ahead of motor vehicle it shall be permissible to dim the headlamps or headlamp or to tilt the beams or beams downward or to substitute therefor the light from side lights or auxiliary driving lamps subject to the restrictions as to tilted beams and auxiliary driving lamps as provided in this act]

[(d) Restrictions on Lamps Bulbs and Reflectors Any device other than lamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than twenty-five (25) candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty (50) feet from the vehicle]

[Every electric lamp or bulb used in any head lamp or auxiliary driving lamp on any motor vehicle shall not exceed the mean spherical candlepower designated in certificate of approval as issued by the secretary]

[Every electric lamp or bulb used in any side light shall not exceed four (4) mean spherical candlepower]

[Every reflector which is used as a part of any head lamp shall have a highly polished silvered or glass or other reflecting surface and shall be free from dents rust and other imperfections]

[(e) Whenever a motor vehicle meets another vehicle an any highway it shall be permissible to tilt the beams or beams of the headlamps or headlamp downward or to substitute therefor the light from auxiliary driving lamps subject to the requirement that the tilted beams or beam or the beams from the auxiliary driving lamps shall give sufficient illumination under normal atmospheric conditions and on an approximately level highway to render clearly discernible vehicles persons or substantial objects seventy-five (75) feet ahead of the motor vehicle but shall not project a glaring or dazzling light to persons in

front of the motor vehicle Provided That at all times required in this act at least two (2) lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle which shall display at least one (1) light as provided in this act]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 18 That section 804 of the said act is hereby repealed [Section 804 Acetylene Lights]

[Motor vehicles may be equipped with two (2) acetylene headlamps of aproximately equal candlepower when equipped with clear plain glass fronts bright spherical or Mangan mirrors not to exceed six (6) inches in diameter and standard acetylene five-eights (⅝) foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching persons except that motorcycles may be equipped with one (1) acetylene headlamp of these specifications]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 19 That section 807 of said act is hereby amended to read as follows

Section 807 Revocation of Certificates of Approval of Lighting Devices

(a) Any certificate of approval however heretofore or hereafter issued may be revoked by the secretary after a hearing before the secretary or his representative of which the person named therein or his successor in interest shall be given reasonable notice or opportunity to hear or to be heard upon the ground that the lighting device reflector or mechanical signal device does not comply with the provisions of this act regulations adopted or is not being supplied in production in accordance with specifications original blueprint assemblies or sample devices originally submitted However revocation of certificates of approval of devices heretofore or hereafter approved shall not take effect until three (3) months after decision of the secretary revoking same

(b) The secretary may adopt uniform standard specifications for head lamps auxiliary driving lamps rear lamps signal lamps reflectors and may promulgate certain rules and regulations not inconsistent with this act to govern his decision in approving any lighting device reflector or mechanical signal device or revoking any certificate of approval issued for such devices

(c) Certificates approving each type of head lamp device hereafter issued by the secretary will expire and be void after [two (2)] four (4) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purposes in accordance with this act together with the fee provided in this act and new certificate of approval has been issued

(d) Certificates approving each type of auxiliary driving lamp rear lamp mechanical signal device reflector and signal lamp hereafter issued by the secretary will not expire [and be void after two (2) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of any such certificate furnishing two (2) samples for test purposes in accordance with this act together with fee provided in this act and new certificate of approval has been issued] until revoked for cause by the secretary

(e) When no renewal application is made and when an application for renewal of certificate of approval is refused the head lamp auxiliary driving lamp rear lamp mechanical signal device reflector or signal lamp will become illegal for use on motor vehicles after [two (2)] six (6) years from date of expiration of certificate Provided however new motor vehicles will not be title unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

Section 20 That subsection (a) of section eight hundred eight of said act be and the same is hereby amended to read as follows

Section 808 Enforcement and Authority to Refuse Title or Registration

(a) A head lamp or auxiliary driving lamp arranged to provide a single distribution of light will be presumed to project a glaring or dazzling light if the top of any main beam of ligh projected by it is at a distance of twenty-five (25) feet ahead of the motor vehicle on an approximately level stretch of highway projected on the body of a person or on a motor vehicle or on any object at a height greater than the distance of the centers of the lamps from the highway A head lamp or auxiliary driving lamp arranged to provide a single distribution of light and mounted on a motor vehicle at a height higher than forty-two (42) inches above the highway will be presumed to project a glaring or dazzling light if the top of the beam of light projected by it on an approximately level stretch of highway be higher than forty-two (42) inches above the highway seventy-five (75) feet ahead of the vehicle

Section 21 That subsections (c) (d) (e) (f) (g) (h) and (i) of section eight hundred eleven of said act be and the same is hereby amended to read as follows

Section 811 Brakes

(c) [all such brakes shall be maintained in good working order and shall conform to regulations further provided in this act] Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle for at least fifteen (15) minutes and so designed as to be applied by the driver of the towing motor vehicle from its cab and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied

(d) [On and after July first one thousand nine hundred and thirty-one all new motor vehicles titled or registered in this Commonwealth shall be equipped with brakes as respectively required in this act for different classes of motor vehicles capable of conforming to braking requirements further provided in this act] Every new motor vehicle trailer or semi-trailer sold in this Commonwealth on and after January first one thousand nine hundred thirty-six and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle except any motorcycle and except that any semi-trailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes

(e) On a dry hard approximately level stretch of highway free from loose material [the service brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet at or a rate which corresponds to such performance] where the grade does not exceed one (1) per centum the service brakes upon any motor vehicle or combination of vehicles except as herein provided shall be adequate to stop such vehicle or vehicles when traveling at a speed of twenty (20) miles per hour within a distance of thirty (30) feet or at a rate corresponding to such performance

(f) [On a dry hard approximately level stretch of highway free from loose material the emergency brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of seventy-five (75) feet or at a rate which corresponds to such performance] Under the above conditions the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet and said emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(g) [Commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight shall be capable of stopping on a dry hard approximately level stretch of highway free from loose material within the following distances or at rates corresponding in each instance to the several performances specified

Within fifty (50) feet from twenty (20) miles per hour

upon simultaneous application of the service and emergency brakes

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the service brake alone

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the emergency brake alone] Under the above conditions the service brakes upon a motor vehicle equipped with two wheel brakes only and when permitted hereunder shall be adequate to stop the vehicle within a distance of forty (40) feet and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet

(h) [When any motor vehicle with trailer attached is operated in combination the application of brakes shall be construed to mean the application of all brakes on the motor vehicle and trailer which are normally capable of being operated simultaneously by the operator] All braking distances specified in this section shall apply to all vehicles mentioned whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 22 That section eight hundred twelve of said act be and the same is hereby amended to read as follows

Section 812 Brake Enforcement

(a) [The brakes on a motor vehicle will be presumed to be unsafe and to require immediate attention if on a dry approximately level stretch of highway free from loose material the service brake will not be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the emergency brake under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance except that the brakes on commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight will be presumed to be unsafe and to require immediate attention if on a dry hard approximately level stretch of highway free from loose material both brakes applied simultaneously will not be capable of stopping such vehicles from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the service and emergency brakes applied separately under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance or when on a descending grade not exceeding ten (10) per centum motor vehicle will drift with either service or emergency brake applied singly] It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of this Commonwealth with brakes not conforming with the requirements of this act

(b) It shall be unlawful for any person to operate a motor vehicle without required number of brakes in good working condition The owner or operator of any motor vehicle who is notified by a peace officer that such brake or brakes are improperly adjusted or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to correct adjust or repair such brakes to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official brake adjusting station showing that within forty-eight (48) hours after such notification the brakes have been corrected adjusted or repaired to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the brakes have been corrected adjusted or repaired as required in this act information for arrest will be made Provided That when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this act or hold a motor vehicle or combination of vehicles [on a descending grade not exceeding ten (10) per centum] stationary on any grade upon which operated the owner or operator may be required to make temporary correction adjustment or repairs before being permitted to proceed with the motor vehicle or combination of vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 23 That subsections (f) (g) (h) and (i) of section eight hundred thirteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 813 Official Inspection Stations

(f) It shall be unlawful for any [such designated official inspection station] person to furnish give or sell to any owner or operator of a motor vehicle trailer or semi-trailer or to place in or on any motor vehicle trailer or semi-trailer a certificate of inspection and approval unless an official inspection of its mechanism and equipment shall have been made and the motor vehicle trailer or semi-trailer with the provisions of this act It shall be unlawful for any such designated official inspection station to furnish loan give or sell a certificate or certificates of inspection and approval to any other such designated official inspection station or any other persons except those entitled to receive them under the provisions of this act

[(g) It shall be unlawful in case of transfer of ownership of any used motor vehicle for the owner to submit with his application for registration a certificate of inspection and approval unless an official inspection shall have been made and the vehicle found to conform with the provisions of this act]

[(h)] (g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made information for the arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of modification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semi-trailer within distance defined in this act or hold a motor vehicle trailer or semi-trailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

[(i)] (h) An official inspection station and the records thereof shall be open for inspection by any peace officer or department employe The owner of an official inspection station shall file with the department on a form prescribed and furnished by the department such information relating to daily inspections as the secretary may require

Section 24 That subsections (b) and (g) of section eight hundred twenty-three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 823 Official Inspections

(b) If such inspections disclose the necessity for ad-

justments corrections or repairs in order to bring the motor vehicle in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the [period designated in the hereinbefore mentioned proclamation] periods required in this act

(g) During the period designated in the hereinbefore mentioned proclamation any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle conforms to the provisions of this act

Section 25 That section eight hundred twenty-four of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended to read as follows

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over when operated upon a highway outside of a business or residence district at any time from one (1) hour after sunset to one (1) hour before sunrise shall be equipped with [at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen (15) minutes

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow-burning danger or caution signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision a sufficient number of flares not less than three (3) or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours except that vehicles transporting flammables may carry red reflectors in place of the other signals hereinbefore mentioned

Every such flare lantern signal or reflector shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

(b) Whenever any such vehicle and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such flares lanterns or other signals to be lighted and placed upon the highway one (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables three (3) red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 26 That subsection (f) of Section nine hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(f) It shall be unlawful for any person to transport on a motor vehicle trailer or semi-trailer operated for the carriage of passengers for hire a load [in excess] of twenty-five (25) per centum in excess of the registered seating capacity or for any person to cause or permit any such operation Provided however That a child under the age of six years shall not be counted as a person when computing load on any such vehicle

Section 27 That subsection (a) of Section 905 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 905 Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit [including] The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be deemed necessary by the authority granting such permits] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 28. That section 906 of said act be and the same is hereby amended to read as follows

Section 906 Special Limitations

(a) No vehicle shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when appropriate signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and mentioned in the posted signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of

this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten ($10)] fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [five (5)] ten (10) days

Section 29 That subsection (b) and (c) of Section 1002 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours

3 Twenty (20) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the [proper] Department of Highways or local authorities on the righthand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where sign erected by the proper authorities is displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officers or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

4 Forty (40) miles an hour speed limit

All vehicles except those otherwise restricted by this act to lower maximum speeds

(c) Subject to the provisions of subsections (a) and (b) of this section it shall be unlawful for the following kinds of types and classes of vehicles to [exceed the maximum speed limits] be operated at a greater speed than hereinafter provided

For determining the maximum speed of a combination of vehicles the lower speed provided for either of the vehicles in the combination shall govern

[1 Ten (10) miles an hour speed limit

Tractors

Commercial motor vehicles and truck tractors with solid rubber tires Class Z VZ WZ YZ and ZZ]

[2 Twelve (12) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class Y]

[3 Fifteen (15) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class V W and UZ]

[4 Eighteen (18) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class U SZ and TZ]

[5 Twenty (20) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class S T and RZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class W Y Z UZ VZ WZ YS and ZZ]

[6 Twenty-four (24) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class R

Commercial motor vehicles and truck tractors with pneumatic tires Class Y Z VZ WZ YZ and ZZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class U V SZ and TZ]

[7 Thirty (30) miles an hour speed limit

Motor buses and omnibuses with solid rubber or cushion rubber tires Class B C D and E

Commercial motor vehicles and truck tractors with pneumatic tires Class V W SZ TZ and UZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class R S T and RZ]

[8 Thirty-five (35) miles an hour speed limit

Commercial motor vehicles and truck tractors with pneumatic tires Class R S T U and RZ

Motor buses and omnibuses with pneumatic tires Class C D and E]

CLASS OF VEHICLES Commercial Motor Vehicles and Truck Tractors	MILES PER HOUR When Equipped With Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
(Four-Wheeled) (2 Axles)			
R	24	30	35
S	20	30	35
T	20	30	35
U	18	24	35
V	15	24	30
W	15	20	30
Y	12	20	24
Z	10	20	24
(Six-Wheeled) (3 Axles)			
RZ	20	30	35
SZ	18	24	30
TZ	18	24	30
UZ	15	20	30
VZ	10	20	24
WZ	10	20	24
YZ	10	20	24
ZZ	10	20	24
(Semitrailer)			
(Two-Wheeled)			
A	24	30	35
B	20	30	35
C	20	30	35
D	20	30	35
E	18	24	30
F	18	24	30
G	15	24	30
Trailer or Semitrailer			
(Four-Wheeled) (2 Axles)			
A	24	30	35
B	20	30	35
C	20	30	35
D	18	24	30
E	15	20	30
F	12	20	24
G	10	20	24
Trailer			
(Six-Wheeled) (3 Axles)			
AZ	20	30	35
BZ	18	24	30
CZ	15	20	30
DZ	10	20	24
EZ	10	20	24
FZ	10	20	24
GZ	10	20	24

Motor Buses and Omnibuses			
B	30	30	
C	30	30	35
D	30	30	35
E	30	30	35

Section 30 That subsection (b) of section 1010 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1010 Following too Closely

(b) The operator of any motor bus motor omnibus commercial motor vehicles truck tractor or tractor not being part of any military convoy in the military service of the United States or of this Commonwealth when traveling upon a highway outside of a business or residence district shall not follow another such vehicle within five hundred (500) feet but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle

Section 31 That subsection (b) of section one thousand seventeen of said act be and the same is hereby amended to read as follows

Section 1017 Passing Street Cars

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car or school bus has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interurban [or] street car or school bus but may proceed past such car or school bus at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Section 32 That section one thousand twenty of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended by adding thereto paragraph fifteen

Section 1020 Parking Prohibited in Specified Places

15 Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted the operator of a vehicle shall not stop stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway headed in the direction of traffic and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb Vehicles which because of type or construction cannot load or unload parallel to the curb shall be exempt while loading or unloading only from the requirements of standing parallel to the curb

Section 33 That subsection (c) of Section 1023 of said act be and the same is hereby amended to read as follows

Section 1023 Persons Tampering with Vehicles

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicles or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Section 34 That subsection (g) of section one thousand twenty-six of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1026 Traffic Signal Interpretation

(g) Flashing Red Signal In cities boroughs incorporated towns or townships a signal when illuminated by rapid intermittent red flashes shall require the operators of all vehicles and street cars and trackless trolleys to observe the same regulations as for through traffic stop signs and signs at stop intersections as provided in this act

Section 35 That section one thousand twenty-seven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1027 Certain Vehicles to Stop at Railway Grade Crossings

All motor buses and motor omnibuses engaged in the transportation of passengers for compensation and all motor vehicles used in the transportation of school children either on contract with the school district authorities or owned by school districts and vehicles transporting explosives or flammable liquids as a cargo or part of a cargo shall come to a complete stop immediately before crossing a railway grade crossing

Section 36 That subsection (a) of Section one thousand one hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1103 Powers of Local Authorities

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace or traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 37 That subsection (c) of Section one thousand one hundred five of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1105 Uniformity and Control of Signs and Markings

(c) The Secretary of Highways and local officials in their respective jurisdictions shall have the authority to cause the removal of all colored or flashing light signs or other lights [or] signs or marking so located as to interfere with traffic or to be confused with or to obstruct the view or effectiveness of official signs traffic signals or markings

Section 38 That Section one thousand one hundred eight of said act be and the same is hereby amended to read as follows

Section 1108 Defacing signs

It shall be unlawful for any person to deface damage knock down [or] remove obstruct or interfere with any sign posted as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 39 That section one thousand one hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signals

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain traffic signals Before local authorities in counties or townships shall erect or cause to be erected traffic signals on a State Highway they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Traffic signals electrically operated shall conform to the following

1 Where a three-color system is used the yellow light following the red light shall not exceed three (3) seconds in length The timing of all lights shall be determined by the volume of traffic and other conditions

2 Where three colored lights are used the yellow shall be in the center

3 The light shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of not less than eight (8) feet above the pavement to the bottom of the signal if on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January [the] first [nineteen] one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

(c) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "Stop" plainly visible thereon and the go vanes a green field with the word "Go" plainly visible thereon

2 When used at night they shall be equipped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

(d) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated

(e) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top or left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operated a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 40 That section one thousand two hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before [the magistrate nearest to the point where the alleged violation occurred or] a magistrate within the city borough incorporated town or township where the alleged violation occurred within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 41 That section one thousand two hundred nine of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1209 Registration Number Prima Facie Evidence

In any proceeding for a violation of the provisions of this act or any local ordinance rule or regulation the registration plate displayed on such [motor] vehicle shall be prima facie evidence that the owner of such [motor] vehicle was then operating the same If at any hearing or proceeding the owner shall testify under oath or affirmation that he was not operating the said [motor] vehicle at the time of the alleged violation of this act or any local ordinance rule or regulation and shall submit himself to an examination as to who at that time was operating such motor vehicle and reveal the name of the person if known to him or if the information is made in a county other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

Section 42 That subsection (b) of section one thousand two hundred twelve of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1212 Enforcement of Local Ordinances

(b) Prosecutions brought under any local ordinance rule [or] regulation or for common law offenses which are based on a violation for which there is a specific penalty provided in this act shall be deemed and considered as having been brought under this act and the disposition of the fines and forfeitures shall be so governed

Section 43 That section one thousand two hundred eighteen of said act is amended by adding thereto a subsection (d) as follows

Section 1218 Signals and Investigation by Officers

(d) It shall be unlawful for any operator of a vehicle to refuse to comply with any lawful order signal or direction of a peace officer who shall be in uniform and shall exhibit his badge or other sign of authority

Section 44 Constitutional Construction

The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed as affecting or impairing any other provision of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 45 Effective Dates

(a) The following amendments shall become effective on and after January one one thousand nine hundred thirty-six

The definition of "commercial motor vehicle" as amended by section 1 of this amending act the provisions of section 14 insofar as they affect subsections (e) and (f) of section 801 of the act to which this is an amendment the provisions of section 15 insofar as they affect subsection (d) of section 802 of the act to which this is an amendment the provisions of sections 16 and 17 the provisions of section 21 insofar as they affect subsections (c) and (d) of section 811 of the act to which this is an amendment the provisions of sections 25 and 32

(b) All other provisions of this act shall be effective immediately upon the approval of this act by the Governor

The title of the bill was read as follows:

An Act to amend sections one hundred two two hundred three as amended section two hundred nine section four hundred five four hundred ten four hundred eleven as amended sections five hundred five six hundred two seven hundred twelve section seven hundred sixteen as amended section seven hundred seventeen sections seven hundred nineteen seven hundred twenty-two eight hundred one eight hundred two as amended to add sections eight hundred two and one-tenth eight hundred two and two-tenths eight hundred two and three-tenths eight hundred two and four-tenths to amend sections eight hundred three eight hundred four eight hundred seven eight hundred eight eight hundred eleven eight hundred twelve sections

eight hundred thirteen eight hundred twenty-three as amended section eight hundred twenty-four sections nine hundred two nine hundred five as amended section nine hundred six sections one thousand two one thousand ten as amended section one thousand seventeen section one thousand twenty as amended section one thousand twenty-three sections one thousand twenty-six one thousand twenty-seven one thousand one hundred three one thousand one hundred five as amended section one thousand one hundred eight sections one thousand one hundred ten one thousand two hundred one one thousand two hundred nine one thousand two hundred twelve as amended and section one thousand two hundred eighteen of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duies upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships with the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneou receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles heir operation on the highways and the licensing of operators changing and imposing certain fees and penalties nd the procedure for enforcement affecting the powers luties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace fficers and the Secretary of Revenue

On the question,

Will the Senate agree to the title?

Mr. SORDONI. Mr. President, I move to amend title, age 1, line 4 of title, by inserting between the numbers 22 and 801, the number "723."

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time d agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1609, (House Bill No. 2436), entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as hereinafter defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1609, (House Bill No. 2436), the bill just read, be recommitted to the Committee on Finance.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1610, (House Bill No. 2437), entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1610, (House Bill No. 2437), the bill just read, be recommitted to the Committee on Finance.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1629, (House Bill No. 1805), entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1633 (House Bill No. 2579), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1634, (House Bill No. 2714), entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1652, (House Bill No. 2299), entitled:

An Act providing for the valuation of bonds and other evidences of debt held by domestic insurance corporations and by foreign insurance corporations authorized to do business in this State

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1655, (House Bill No. 2438), entitled:

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489), entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1658, (House Bill No. 2528), entitled:

An Act to amend section five hundred and two (Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1663, (House Bill No. 2683), entitled:

An Act to amend the act approved the twentieth day of December 1933-34 (P. L. 89) entitled "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimbursement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1670, (House Bill No. 1653), entitled:

An Act making an appropriation to the Department of Highways for payment of a verdict or verdicts of a Federal Court for personal injuries caused by a Department employe while operating a Commonwealth car on which the insurance had become non-collectible

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1676, (House Bill No. 2959), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1686 (House Bill No. 2514), as follows:

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to improve maintain and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That this act may be cited as the General State Authority Act of one thousand nine hundred and thirty-five."

Section 2 Definitions The following terms whenever used or referred to in this act shall have the following meanings except in those instances where the context clearly indicates otherwise.

(a) The term "Authority" shall mean the body politic and corporate created by this act.

(b) The term "Department" shall mean the Department of Property and Supplies as the same exists under The Administrative Code of one thousand nine hundred and twenty-nine or as it may exist by amendment of said Code.

(c) The term "project" shall mean any structure facility or undertaking which the Authority is authorized to construct improve maintain or operate under the provisions of this act.

(d) The term "Board" shall mean the governing body of the Authority.

(e) The term "person" shall mean and include natural persons firms associations corporations business trusts partnerships and public bodies.

(f) The term "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any department of or corporation agency or instrumentality heretofore or hereafter created designated or established by the United States of America.

(g) The term "bonds" shall mean and include the notes bonds and other evidences of indebtedness or obligations which the Authority is authorized to issue pursuant to Section 4 (i) of this Act.

(h) The term "construction" shall mean and include acquisition and construction and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable.

(i) The term "improvement" shall mean and include extension enlargement and improvement and the term "to improve" shall mean and include to extend to enlarge and to improve all in such manner as may be deemed desirable.

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Chairman of the Finance Committee of the Senate and the chairman of the Committee on Ways and Means of the House of the session of the General Assembly at which this Act was passed and their respective successors in office are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred inconnection with the performance of their duties as members.

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating State arsenals armories and military reserves State airports and landing fields additions to present State hospitals normal schools teachers colleges penal or correctional institutions State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes or State owned land and low head dams and improvements to river embankments (any and all the foregoing being herein called "projects") Provided however that no project shall be begun after the expiration of two (2) years from the effective date of this Act and Provided further that the purpose and intent of this Act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby shall be exercised in the construction improvment maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers.

(a) To have existence for a period of twenty-two years as a corporation.

(b) To sue and be sued implead and be impleaded complain and defend in all courts.

(c) To adopt use and alter at will a corporate seal.

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the Department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth any project at any

time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority.

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects.

(f) To make by-laws for the management and regulation of its affairs.

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation.

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or bolders of any such obligations.

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof.

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any federal agency.

(l) To have the power of eminent domain.

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(n) To do all acts and things necessary or convenient to carry ut the powers granted to it by this act or any other acts.

Provided however That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations.

Section 5 Purposes and Powers Bonds The bonds of the Authority hereinabove referred to and authorized to be issued shall be authorized by resolution of the Board and shall be of such series bear such date or dates mature at such time or times not exceeding twenty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or fully registered without coupons carry such registration exchangeability and interchangeability privileges be payable in such medium of payment and at such place or places be subject to such terms of redemption at such prices not exceeding one hundred five per centum of th principal amount thereof and be entitled to such priorities in the revenues rentals or receipts of such Authority as such resolution or resolutions may provide The bonds shall be signed by such officers as the Authority shall determine and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Authority all as may be prescribed in such resolution or resolutions Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupons or any thereof shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

Said bonds may be sold at public or private sale for such price or prirces as the Authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum per annum Pending the preparation of the definitive bonds interim receipts may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the Authority may determine.

Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders thereof as to (a) pledging the full faith and credit of the Authority (but not of the Commonwealth or any county or other political subdivision thereof) for such obligations or restricting the same to all or any of the revenues rentals or receipts of the Authority from all or any projects or properties (b) the construction improvement operation extension enlargement maintenance and repair of any project or projects and the duties of the Authority with reference thereto (c) the terms and provisions of the bonds (d) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by the United States may be applied (e) the rate of tolls rentals and other charges for use of the facilities of or for the services rendered by the Authority including limitations upon the power of the Authority to modify any leases or other agreements pursuant to which any tolls rentals or other charges are payable (f) the setting aside of reserves or sinking funds and the regulation and disposition thereof (g) limitations on the issuance of additional bonds (h) the terms and provisions of any deed or trust or indenture securing the bonds or under which the same may be issued and (i) any other or additional agreements with the holders of the bonds

The Authority may enter into any deeds of trust indentures or other agreements with any bank or trust company or ther person or persons in the United States having power to enter into the same including any federal agency as security for such bonds and may assign and pledge all or any of the revenues rentals or receipts of the Authority thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the Authority may authorize including (but without limitation) provisions as to (i) the construction improvement operation maintenance and repair of any project or projects and the duties of the Authority with reference thereto (ii) the application of funds and the safeguarding of funds on hand or on deposit (iii) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (iv) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due wheether at maturity or upon call for redemption and such defaut shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorded of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided

Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name.

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act.

(b) bring suit upon the bonds.

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders.

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any ded of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shalll deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of th trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or othr charges or income revenues and receipts and to require the Authority to carry out any of its convenants and agreements with the bondholders and to perform its and their duties under this act.

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meen and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary.

Three members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action may be taken by vote of a majority of the members present unless in any case the by-laws shall require a larger number The Board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The Board shall fix and determine the number of officers agents and employes of the Authority and their respective compenl sation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper.

Section 8 Moneys of the Authority All moneys of any Authority from whatever source derived shall be paid to the treasurer of the Authority Said moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies in one or more special accounts and each of such special accounts shall be continuously secured by a pledge of direct obligations of the United States of America of the Commonwealth or of the county having an aggregate market value exclusive of accrued interest at all times at least equal to the balance on deposit in such account Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority All banks and trust companies are authorized to give such security for such deposits The moneys in said accounts shall be paid out on the warrant or other order of the treasurer of the Authority or of such other person or persons as the Authority may authorize to execut such warrants or orders The Department of Revenue of the Commonwealth and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its finances operation and affairs.

Section 9 Grant of Lands by Department to Authority The Department shall have power and authority with the approval of the Governor to grant assign convey to the Authority with or without consideration any lands easements or rights in lands now owned by the Commonwealth of Pennsylvania or hereafter acquired by it needed or convenient for the corporate purposes of the Authority or to lease to the Authority for a term not exceeding ninety-nine years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands.

Section 10 Acquisition of Lands The Department shall have power and authority with the approval of the Governor to acquire title in the name of the Commonwealth of Pennsylvania to any additional lands or interest in lands which may be required for the corporate purposes of the Authority and payment therefor shall be made by the Department The power hereby conferred upon the Department shall not limit or restrict the power of the Authority itself to acquire lands or interests in lands in the name of the Authority.

Section 11 Competition in Award of Contracts If any project or any portion thereof or any improvement thereof shall be constructed pursuant to a contract and the estimated cost thereof exceeds five hundred dollars such contract shall be awarded to the lowest responsible bidder aftr advertisement for bids The Authority may make rules and regulations for the submission of bids and the construction or improvement of any project or portion thereof No contract shall be entered into for construction or improvement of any project or portion therefor or for the purchase of materials unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority and in an amount fied by the Authority for the faithful performance of the contract All construction contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein provided the action is brought within one

year after the time the cause of action accrued Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof or any addition betterment or extension thereto directly by the officers agents and employes of the Authority or otherwise than by contract.

Subject to the aforesaid the Authority may (but without intending by this provision to limit any powers of such Authority) enter into and carry out such contracts or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof as the Authority may deem desirable or as may be requested by any federal agency that may assist in the financing of such project or any part thereof.

Section 12 Acquisition of Lands The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such right title interest or easement in such lands as the Authority may deem necessary for any of the purposes mentioned in this act "Provided however that no lands interest in lands or property of a public service company or property used as a burial ground or place of public worship or a dwelling house and the reasonable curtilage not to be less than three hundred feet appurtenant thereto shall be appropriated by virtue of power of eminent domain hereby conferred The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by the Commonwealth.

Section 13 Use of Projects The use of the facilities of the Authority and the operation of its business shall be subject to the rules and regulations from time to time adopted by the Authority provided however that the Authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the Authority or violate any agreements with them or for their benefit.

Section 14 Limitation of Powers The Commonwealth does hereby pledge to and agree with any person firm or corporation or federal agency subscribing to or acquiring the bonds to be issued by the Authority for the construction extension improvement or enlargement of any project or part thereof that the Commonwealth will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued together with the interest thereon are fully met and discharged The Commonwealth does further pledge to and agree with the United States and any other federal agency that in the event that any federal agency shall construct or contribute any funds for the construction extension improvement or enlargement of any project or any portion thereof the Commonwealth will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the project or the improvement thereof or which would be inconsistent with the due performance of any agreements between th Authority and any such federal agency and the Authority shall continue to have and may exercise all powers herein granted so long as the same shall be necessary or desireable for the carrying out of the purposes of this act and the purposes of the United States in the construction or improvement or enlargement of any project or such portion thereof.

Section 15 Exemption from Taxation The effectuation of the authorized purposes of the Authority created under this act shall and will be in all respects for the benefit of the people of the Commonwealth for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the Authority will be performing essential governmental functions in effectuating such purposes the bonds issued by the Authority their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation other than inheritance and estate taxation within the Commonwealth of Pennsylvania.

Section 16 Effective Date of Act This act shall take effect immediately.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1687 (House Bill No. 2271), entitled:

An Act making an appropriation to the Trustees of the Duquesne University Pittsburgh Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

The PRESIDENT, Senate Bill No. 1181 (House Bill No. 926), on final passage, entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest and restricting the expenditure of such tax moneys regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas and providing for the disposition of funds heretofore paid into court.

will go over in its order.

The PRESIDENT, Senate Bill No. 1552 (House Bill No. 1133), on final passage entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

will go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. CLARK. Mr. President, I move that the Senate do now proceed to House Bills on third reading.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 336 (House Bill No. 117), entitled:

An Act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties imposing certain duties on the Department of Internal Affairs and providing penalties.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Gelder,	McClure,	Roberts,
Batchelor,	Graff,	McCreesh,	Rodgers,
Baumer,	Harris,	McGinnis,	Rupp,
Bean,	Harvey,	Owlett,	Salus,
Bennett,	Homsher,	Pierson,	Shapiro,
Buckman,	Howell,	Rankin,	Sones,
Cavalcante,	Huffman,	Reed, (Dauphin)	Thompson, (Westmoreland)
Chapman,	Hunsicker,	Reed,	Trainer,
Clark,	Kahle,	(Washington)	Woodward,
Coyne,	Law,	Rice,	Ziesenheim,
Ealy,	Mallery,		
Frey,			

NAYS—1

Staudenmeier,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 494 (House Bill No. 170), entitled:

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Aron,	Gelder,	McCreesh,	Rodgers,
Batchelor,	Graff,	McGinnis,	Rupp,
Baumer,	Harris,	Owlett,	Salus,
Bean,	Harvey,	Pierson,	Shapiro,
Bennett,	Homsher,	Rankin,	Sones,
Buckman,	Howell,	Reed,	Staudenmeier,
Cavalcante,	Huffman,	(Dauphin)	Thompson,
Chapman,	Hunsicker,	Reed,	(Centre)
Clark,	Kahle,	(Washington)	Thompson,
Coyne,	Law,	Rice,	(Westmoreland)
Ealy,	Mallery,	Roberts,	Trainer,
Frey,	McClure,		Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1170 (House Bill No. 1522), on third reading, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enfofcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" providing for the revival of municipal and other claims by suggestion of non-payment and an averment of default in the same manner as tax claims without the necessity of proceeding to judgment,

be recommitted to the Committee on Municipal Government.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. McCLURE. Mr. President, I desire at this time to call up Senate Bill No. 1550 (House Bill No. 805).

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1550, (House Bill No. 805), as follows:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) is hereby specifically appropriated to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the training and education of such students as may be admitted to such college in accordance with this act thirty thousand dollars ($30,000) of said appropriation shall be paid during the fiscal year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and sixty thousand dollars ($60,000) during the fiscal year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven For the school year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six twenty-five students shall be appointed to said college to be selected by State Senators each Senator of each even-numbered senatorial district to have the privilege of appointing one candidate For the school year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven twenty-five students shall likewise be appointed by State Senators from odd numbered districts as above provided

The Governor of the Commonwealth shall also for each of said school years appoint five students to said college

Each candidate shall undergo a thorough physical examination and shall meet the schoolastic entrance requirements of the college and every student appointed to the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years commencing within six months after graduation and in default of such service in the National Guard to be liable to the Commonwealth for the sum expended under this or any other law appropriating moneys to said college for the education of students appointed by Senators or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instruction from time to time upon bills rendered by the Pennsylvania Military College and approved by the Department of Public Instruction

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Gelder,	McClure,	Roberts,
Batchelor,	Graff,	McCreesh,	Rodgers,
Baumer,	Harris,	McGinnis,	Rupp,
Bean,	Harvey,	Owlett,	Salus,
Bennett,	Homsher,	Pierson,	Shapiro,
Buckman,	Howell,	Rankin,	Sones,
Cavalcante,	Huffman,	Reed, (Dauphin)	Staudenmeier,
Chapman,	Hunsicker,	Reed, (Washington)	Thompson, (Centre)
Clark,	Kahle,	Rice,	Trainer,
Coyne,	Law,		Ziesenheim,
Ealy,	Mallery,		
Frey,			

NAYS—1

Thompson, (Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1229 (House Bill No. 2056), entitled:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highways rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvement.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HARRIS. Mr. President, I ask unanimous consent to amend title, page 1, last line of title, by inserting after the word "improvements" the following: "and excepting from the provisions of the act counties of the second class"; amend Bill, page 5, by inserting between lines 3 and 4 the following section: "Section 3. This act shall not apply in counties of the second class;" amend section 3, page 5, line 4, by striking out the figure "3" and insert in lieu thereof: "4."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1563 (House Bill No. 2026), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (P. L. 1003) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licenses and making an appropriation therefor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Gelder,	McClure,	Roberts,
Batchelor,	Graff,	McCreesh,	Rodgers,
Baumer,	Harris,	McGinnis,	Rupp,
Bean,	Harvey,	Miller,	Salus,
Bennett,	Homsher,	Pierson,	Shapiro,
Buckman,	Howell,	Rankin,	Sones,
Chapman,	Huffman,	Reed, (Dauphin)	Staudenmeier,
Clark,	Hunsicker,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Kahle,	Rice,	Trainer,
Ealy,	Law,		Ziesenheim,
Frey,	Mallery,		

NAYS—2

Cavalcante,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 422 (House Bill No. 439), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 910) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 497 (House Bill No. 316), entitled:

A Joint Resolution authorizing the Attorney General to arrange for and hold a conference on crime and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 662 (House Bill No. 936), entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements including every form of enteretainment diversion sport recreation and pastime requiring persons partnerships associations or corporations conducting places of amusement to secure permits imposing duties and converring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and the use of the proceeds thereof permitting refunds of the tax in certain instances and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 828 (House Bill No. 1415), entitled:

An Act to amend section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing that the entry of an appearance for the respondent shall not be deemed collusive.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 929 (House Bill No. 1477), entitled:

An Act providing for the eradiction of mosquitoes authorizing the establishment of county mosquito extermination commisions after popular referendum and the appointment of their members by the county commissioners prescribing the powers and duties of such commissions the county commissioners and the Secretary of Agriculture of the Commonwealth and declaring any water in which mosquito larvae breed a public nuisance and subject to abatement as such, and authorizing the imposing of the cost thereof on property owners.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1563 (House Bill No. 2026), entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (P. L. 1003) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licenses and making an appropriation therefor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Gelder,	McClure,	Roberts,
Batchelor,	Graff,	McCreesh,	Rodgers,
Baumer,	Harris,	McGinnis,	Rupp,
Bean,	Harvey,	Miller,	Salus,
Bennett,	Homsher,	Pierson,	Shapiro,
Buckman,	Howell,	Rankin,	Sones,
Chapman,	Huffman,	Reed,	Staudenmeier,
Clark,	Hunsicker,	(Dauphin)	Thompson,
Coyne,	Kahle,	Reed,	(Westmoreland)
Ealy,	Law,	(Washington)	Trainer,
Frey,	Mallery,	Rice,	Ziesenheim,

NAYS—2

Cavalcante,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 978, (House Bill No. 1119), entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 541) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1058, (House Bill No. 440), entitled·

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 852) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasimunicipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs towns and townships of the second class and repealing inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1077 (House Bill No. 1905), entitled:

An Act to amend the title and further amend the act approved the first day of June one thousand nine hundred fifteen (P. L. 661) entitled "An act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing the liability for their support providing for the collection of the moneys due the Commonwealth therefor and for proceedings relating thereto" by extending the

provisions of said act to the cases where counties and poor districts are in whole or in part liable for the expense of the maintenance defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth counties and poor districts for the maintenance and support of insane feeble-minded and other persons confined in various institutions of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1087 (House Bill No. 2052), entitled·

An Act to amend section seven hundred fifty-five of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1094 (House Bill No. 2060), entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1096 (House Bill No. 2063), entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department under certain terms and conditions and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1102 (House Bill No 2132), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1107 (House Bill No. 2177), entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act No. 14) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof made" providing that certain mortgages shall have priority over such revived municipal claims.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1155 (House Bill No. 1073), entitled:

An Act to amend section four of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled "An act imposing a State tax, payable by those herein defined as manufacturers and distributors, on certain alcoholic beverages used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, of alcoholic beverages taxable hereunder; and providing penalties," as amended; prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1192 (House Bill No. 2130), entitled:

An Act to amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended to authorize and empower boroughs to construct or acquire waterworks and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1197 (House Bill No. 2468), entitled:

An Act validating certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several townships of the sec-

ond class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1225 (House Bill No. 2017), entitled:

An Act to establish a fund to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth or any employer exempted from such insurance and to provide for the administration thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1301 (House Bill No. 1778), entitled:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1409 (House Bill No. 2499), entitled:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1410 (House Bill No. 2509), entitled:

An Act to amend the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 164) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by adding an additional section providing that each of the judges of the Orphans Court in certain counties may appoint a clerk and providing for the compensation of such clerks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1431 (House Bill No. 314), entitled:

An act to amend routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughsman, superintendents of highways, and a staff of assistants and employes, defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides he work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracs are no affected by provisions of this act."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1487 (House Bill No. 1056), entitled:

An act to further amend section three of the act approved the twenty-ninh day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1497 (House Bill No. 2397), entitled:

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' ware-

houses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1501 (House Bill No. 2627), entitled:

An Act to amend section two of the act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 461) entitled "An act to provide for the removal of retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" providing that retired judges may preside in the trial of cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1569 (House Bill No. 2403), entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May one thousand nine hundred twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciiprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing the reuqirements of foreign mutual insurance companies other than life for admission to do business in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1603 (House Bill No. 1911), entitled:

An Act permitting licensing regulating and controlling horse racing and greyhound racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1615 (House Bill No. 2109), entitled:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1637 (House Bill No. 978), entitled:

An Act to amend and add a new section to the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shows schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration providing additional grounds for the issuance of certificates without examinations, and extending the time therefor and requiring beauty shops to be in charge of managers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1646 (House Bill No. 1687), entitled:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No 1648 (House Bill No. 1965), entitled·

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registrations on account of Sunday work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1649 (House Bill No. 1994), entitled:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1666 (House Bill No. 2926), entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud corruption or dishonesty or profit to such councilmen and where the borough is in possession of and uses such fire apparatus.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1668 (House Bill No. 1593), entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1669 (House Bill No. 1632), entitled:

An Act making an appropriation to the Department of Public Instruction. for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambrdge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1674 (House Bill No. 2705) entitled:

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1675 (House Bill No. 2897), entitled:

An Act making appropriations to the Department of Welfare for the maintenance of certain homes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1679 (House Bill No. 2520), entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws eight hundred fifty-nine) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal imposing additional taxes equal to Federal credits" by adding thereto section two authorizing the payment of estate taxes under protest without prejudicing rights where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1680 (House Bill No. 2521), entitled:

An Act to amend section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing acts for repeal" as amended authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents without prejudice to the rights of appeal

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1681 (House Bill No. 2523), entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to and to amend section one thousand two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlment of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor er creditor of the Commonwealth" as amended authorizing any person association corporation or public officer against whom an account has been settled or against whom an account may be settled on the basis of a report filed to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement without prejudice to the right of resettlement review or appeal and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1685 (House Bill No. 2207), entitled:

An Act to amend clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1692 (House Bill No. 2691), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all depuies and other assistants and employes in certain deparments boards and commissions and prescribing the manner in which the number and compensation of the depuies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers of the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation for the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health power to supervise couny tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the buildings equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects abolishing the Board of Trustees of Home for Training in Speech of Deaf Children amplifying the powers of the Department of Public Instruction relating to professional education and licensure eliminating the State Aeronautics Commission exempting the Departmen of Internal Affairs from certain provisions of the said act and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1692 (House Bill No. 557), entitled:

An Act making appropriations to the Board of Trustees of the Philadelphia Museum.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1694 (House Bill No. 592), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consider-

ation of Senate Bill No. 1695 (House Bill No. 603), entitled:

An Act making appropriations to the Women's Medical College of Pennsylvania located at East Falls, Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1696 (House Bill No. 1121), entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for optometrical education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1697 (House Bill No. 1150), entitled:

An Act making appropriations to the National Farm School at Doylestown, Pennsylvania.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1698 (House Bill No. 1228), entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1699 (House Bill No. 1864), entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1702 (House Bill No. 2743), entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a public park.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1704 (House Bill No. 2970), entitled:

An Act to amend the act approved the twenty-second day of November one thousand nine hundred thirty-three (1933 and 1934 Special Session P. L. 5) entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officials and departments and certain individuals firms and corporations and imposing penalties" by providing for an extension of time for payment in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1705 (House Bill No. 2581), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses during the biennium ending the thirty-first day of May one thousand nine hundred and thirty-five defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1708 (House Bill No. 814), entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the furbearing animal class to the vermin class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1720 (House Bill No. 2904), entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. SHAPIRO. Mr. President, I desire at this time to call up Senate Bill No. 1124 (House Bill No. 2134), entitled:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1124 (House Bill No. 2134), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporaions providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the converson of National banks into the State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers of or affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Aron,	Ge.der,	McCreesh,	Rupp,
Batchelor,	Graff,	McGinnis,	Salus,
Baumer,	Harris,	Miller,	Shapiro,
Bean,	Harvey,	Pierson,	Sones,
Bennett,	Homsher,	Rankin,	Staudenmeier,
Buckman,	Howell,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Huffman,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Hunsicker,	Rice,	Trainer,
Clark,	Kahle,	Roberts,	Ziesenheim,
Coyne,	Law,	Rodgers,	
Ealy,	Mallery,		
Frey,	McClure,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Mr. STAUDENMEIER. Mr. President, I desire at this time to call up Senate Bill No. 566 (House Bill No. 228), entitled:

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 566 (House Bill No. 228), entitled:

An Act to amend the definitions of "common carrier" and "Conveyance of passengers or property" contained in section one of article one of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilites prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulating aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporation or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by exempting the conveyance of perishable food products milk and furniture from regulation by the Commission in certain cases

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to amend the title, page 4, line 1 by inserting after the word "and" the following "used household"; also section 1, page 6, line 23 by inserting after the word "of" the following "used"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 12 o'clock noon.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until Wednesday, June 19, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

TUESDAY, June 18, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that Thou hast given us permission to meet again this day to do the work which Thou hast selected us to do. We pray that Thou wilt spiritually guide us that we may do and say those things that shall bring honor and glory to Thee.

Forgive us our sins. In giving us permission to carry on Thy work, even though it be not what some people demand, yet we feel that Thou hast given us this privilege and we pray Thee that Thou wilt help us to use that privilege in Thy honor and glory. In His Name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KINNEY, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1605. (HOUSE BILL No. 3033).

An Act to further amend section sixteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff or assistants and employes: defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State Highways; making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act." by excluding diversion of traffic as an element of damage.

Referred to the Committee on Highways.

SENATE BILL No. 1606. (HOUSE BILL No. 3034).

An Act to amend section five hundred and fourteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by excluding diversion of traffic as an element of damage where county roads are relocated.

Referred to the Committee on Highways.

SENATE BILL No. 1607. (HOUSE BILL No. 3035).

An Act to amend section one thousand and twenty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the fees of the burgess when exercising the jurisdiction of a justice of the peace and imposing certain charges on boroughs.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1611. (HOUSE BILL No. 3036).

An Act authorizing the erection and construction by the Department of Property and Supplies of an addition to the State tuberculosis sanatorium at Hamburg placing said addition upon completion under the jurisdiction and control of the Department of Health and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1620. (HOUSE BILL No. 3037).

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

Referred to the Committee on State Government.

SENATE BILL No. 1622. (HOUSE BILL No. 3038).

An Act to amend the title of and the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred one) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges shall become free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by extending the provisions thereof to tunnels for highway purposes.

Referred to the Committee on Highways.

PETITIONS

The SPEAKER laid before the House the following petitions which were read by the Clerk.

DENYING PLACE ON BALLOT TO CERTAIN POLITICAL PARTIES

A petition from citizens of Clerkfield urging passage of House Bill No. 2123 denying place on ballot to certain political parties.

Referred to the Committee on Elections.

HIGHWAYS

A petition from citizens of Berks County requesting maintenance of Highway Route No. 383.

Referred to the Committee on Highways.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No. 540, Printer's No. 183, entitled "An act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled 'An act to provide for the election of prothonotaries clerks recorders and registers' so far as the same relates to Cumberland County", be recalled from the Governor for further consideration.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No. 2653, Printer's No. 1091, entitled "An act granting permission to the Borough of Camp Hill, Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 17, 1935.

Resolved (if the Senate concur), That House Bill No. 329, Printer's No. 62, entitled "An act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2139.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting, the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section one, page three, line 20 by striking out the following:

"This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or townships in which such national banking associations were on that date operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business and such right shall not extend to additional territory which may after the first day of March one thousand nine hundred twenty-seven be added to such cities boroughs or townships by annexation consolidation with one or more municipal corporations or otherwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they may be consolidated after that date the intention being to limit to the respective corporate limits such cities boroughs or townships as they existed on the first day of March one thousand nine hundred twenty-seven the right to establish and maintain the branch banks branch offices agencies sub-offices sub-agencies and branch places of business authorized in this section" also page seven, line six by inserting after the word "Department" the figure "(1)"; also line seven by inserting after the word "business" the following:

"within the corporate limits of the city of the first class or the second class in which the principal place of business of the institution is located or within the corporate limits of the city or borough in which the principal place of business is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five and may (2) establish a branch bank branch office agency sub-office sub-agency or branch place of business" also in line fourteen by striking out after the word "established" the word "originally"; also line seventeen by striking out after the word "to" the word "a" and inserting in lieu thereof the word "the"; also page nine, line six by striking out the following:

"If the Department shall approve the application of a private bank to establish a branch bank branch office agency sub-office sub-agency or branch place of business any person aggrieved by the action of the Department shall have the same right of appeal as is by this act provided in the case of the Department's approval of Article of Amendment to provide for the establishment by an incorporated institution of a branch bank branch office agency sub-office sub-agency or branch place of business" also line 18 by striking out after the word "this" the word "act" and inserting in lieu thereof the word "section"; also page 12 line twenty-one by striking out after the word "The" the word "articles" and inserting in lieu thereof the words "advertisement and notice"; also line twenty-five by striking out after the word "the" the word "previsions" and inserting in lieu thereof the word "provisions"; also page thirteen line 20 by striking out after the word "incorporation" the following:

"If the effect of the articles of amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall given written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The costs of such examination and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges

B Within thirty days after the receipt of the articles of amendment from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The department may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the department of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located It shall immediately notify the Department of State in writing of its action If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State If the purpose of the amendment is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such amendment any person aggrieved by the action of the Department of Banking in approving the articles of amendment may appeal to the court of common pleas of the county in which it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order" and inserting in lieu thereof the following:

"B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of amendment from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city borough or other community in which the principal place of business of the incorporated institution is located the Department of Banking shall within sixty days after the receipt of the articles from the Department of State upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located.

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles generally

If it shall approve the articles of amendment it shall endorse its approval thereon and shall return them to the Department of State" also page sixteen, line seven by adding the following new paragraph:

"D The costs of the examination required by this section and any other charges of the Department of Banking bearing upon the filing of articles of amendment shall be assessed upon the incorporated institution in the manner provided by law for assessments by the Department of Banking of costs of examinations or other charges" also on page 17 line 20 by striking out after the word "The" the words "articles of merger or articles of consolidation" and inserting in lieu thereof the words "advertisement and notice"; also page nineteen, line 16 by striking out the following:

"B If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the surviving or new incorporated institution is to be located the Department of Banking shall also conduct a hearing which may be attended by the officers directors or counsel of any institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located The Department of Banking shall give written notice of the time and place of such hearing not less than ten days prior thereto to every institution the principal place of business of which is located in the county in which the proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

[B] C Within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State but in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the new or surviving incorporated institution is to be located not prior to the date fixed for the hearing required by this section the Department of Banking shall upon the basis of the facts disclosed by the investigation or hearing provided for by this section either approve or disapprove such articles The Department may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the department of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State. If the effect of the merger or consolidation is to establish a branch bank branch office agency sub-office sub-agency or branch place of business and if the Department of Banking shall approve such articles any person aggrieved by the action of the Department of Banking in approving the articles of merger or articles of consolidation may appeal to the court of common pleas of the county in which it is proposed to establish such branch bank branch office agency sub-office sub-agency or branch place of business The court shall hear such appeal promptly and shall decide the matter upon its merits The court shall send to the Department of Banking a certified copy of its order" and inserting in lieu thereof the following:

B (1) Excepting in the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than the city of the first class or the second class in which the principal place of business of the institution is located or the city or borough in which the principal place of business of the incorporated institution is located and in which the institution was authorized by law to establish a branch bank branch office agency sub-office sub-agency or branch place of business on the first day of January one thousand nine hundred and thirty-five within thirty days after the receipt of the articles of merger or articles of consolidation from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles

(2) In the case of articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any city borough or other community other than city borough or other community in which the principal place of business of the incorporated institutions is located the Department of Banking shall within sixty days after the receipt of

the articles from the Department of State upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles The Department of Banking may in its sole discretion disapprove articles the effect of which is to establish a branch bank branch office agency sub-office sub-agency or branch place of business in any county contiguous to the county in which the principal place of business of the incorporated institution is located if it shall appear as a result of the investigation or hearing required by this section that an incorporated institution having its principal place of business in the county in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located has in good faith notified the Department of Banking of its intention to establish a branch bank branch office agency sub-office sub-agency or branch place of business in accordance with the provisions of this act in the same place in which such proposed branch bank branch office agency sub-office sub-agency or branch place of business is to be located

If it shall approve such articles it shall forward them to the Banking Board for review The Banking Board shall after such investigation or hearing as it may deem advisable either approve or disapprove the action of the Department of Banking in respect to the establishment of a branch bank branch office agency sub-office sub-agency or branch place of business and shall return the articles to the Department of Banking with notice of its decision and in the case of disapproval with a statement in detail of its reasons for doing so The decision of the Banking Board shall be binding upon the Department of Banking Immediately upon receipt of the articles from the Banking Board the Department of Banking shall on the basis of the decision of the Banking Board either approve or disapprove them in the same manner as is provided by this section in the case of articles of merger or articles of consolidation generally It shall immediately notify the Department of State in writing of its action If it shall approve the articles of merger or articles of consolidation it shall sign its approval thereon and shall return them to the Department of State" also on page 21 line 22 by striking out at the beginning of said line the letters "(C) D" and inserting in lieu thereof the letter "C".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chenoweth,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 114.

An Act making an appropriation to the Trustees of Lincoln University Chester County

SENATE BILL No. 547.

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

SENATE BILL No. 1296.

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title extending the time for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act excluding certain taxes from the provisions of the act and fixing the dates when taxes shall be deemed delinquent

SENATE BILL No. 768.

An Act providing for a joint legislative committee to make certain studies and collate and digest certain information relating to the public school system and making an appropriation

SENATE BILL No. 1309.

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor,and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 89.

An Act to prohibit discrimination on account of race creed or color in employment under contracts for public buildings or public works

HOUSE BILL No. 473.

An Act to amend paragraphs one two and three of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds by fiduciaries

HOUSE BILL No. 1278.

An Act limiting the mileage cost for return of subpoenas in criminal cases to the trips actually made and imposing certain duties on controllers and district attorneys

HOUSE BILL No. 1286.

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for and conferring jurisdiction to enjoin violations of the act providing for the granting of licenses to widows Non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition terms and powers of the Board and transferring the Board from this Department of Public Instruction to the Department of Health

HOUSE BILL No. 2205.

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended requiring county superintendents to call meetings of public school teachers for the purpose of instruction the expenses thereof to be paid by the school district

HOUSE BILL No. 1943.

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books

HOUSE BILL No. 1798.

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties

HOUSE BILL No. 2332.

An Act to enable city county poor ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective bonds or by the expiration of the authority of their respective warrants or by the expiration of their terms of office and to extend the time for the collection of the same for a period of two years from the passage of this act

Whereupon,

The SPEAKER, in the presence of the House signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS No. 665, 1024, AND 2512

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 665, Printer's No. 313, entitled "An Act to amend clause twenty-five as amended and renumbered clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money

or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

House Bill No. 1024, Printer's No. 406, entitled "An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled 'An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads.'"

House Bill No. 2512, Printer's No. 1197, entitled "An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 862

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 14, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 862, Printer's No. 1414, entitled "An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties."

GEORGE H. EARLE

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 339

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 15, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 339, Printer's No. 45, entitled "An Act to repeal the act approved the eighteenth day of April one thousand nine hundred twenty- (Pamphlet Laws five hundred forty-six) entitled 'An act authorizing the appointment by the Governor of industrial police upon application of certain corporations companies associations and individuals prescribing the powers of such police authorizing the Governor to investigate their work and require periodical reports from them imposing duties upon the Secretary of the Commonwealth and recorders of deeds and imposing penalties.'"

GEORGE H. EARLE.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

13 Irene Street,
Johnstown, Pa.,
June 8, 1935.

Mr. Wilson G. Sarig,
Speaker of House of Representatives,
Harrisburg, Pa.,

My dear Mr. Speaker:

Will you kindly extend to the members of the House of Representatives our sincere and heartfelt appreciation for their beautiful tribute to our beloved husband and father, in the resolution forwarded to us on May twenty-seven, nineteen hundred thirty-five.

Appreciatively and sincerely,
CARRIE ROBINSON HORNE,
(Mrs. J. Ross Horne)
(Mrs.) BEATRICE HORNE DUNCAN,
HUBERT R. HORNE,
JEAN ELIZABETH HORNE.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

LEAVES OF ABSENCE

Mr. Welliver asked and obtained leave of absence for Mr. FRANCIS T. BAKER.

REPORTS FROM COMMITTEES

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 2969 (Senate Bill No. 456), entitled:

An Act to amend section one of the act approved the the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1018) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyances of such property" extending provisions of said act to devisees.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 2862 (Senate Bill No. 457), entitled:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate

to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

Mr. SHAW, from the Committee on Counties, reported as committed House Bill No. 3015 (Senate Bill No. 1242), entitled:

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (P. L. 1093) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes' providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the assessment and revision of taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery.

Mr. SHAW, from the Committee on Counties, reported as committed House Bill No. 2920 (Senate Bill No. 1381), entitled:

An Act to amend section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act No. 1) entitled "An act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court the action shall be ratified confirmed and made valid preserving tax liens in such cases and providing for the fixing of dates for tax sales in such cases.

Mr. WOOD, from the Committee on Counties, reported as committed, House Bill No. 2868 (Senate Bill No. 1140), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by limiting the time within which applications therefor may be made.

Mr. CLIFF S. PATTERSON, from the Committee on Counties, reported as committed, House Bill No. 3023 (Senate Bill No. 1469), entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the poor and or the county commissioners in the several counties and providing penalties.

Mr. OMINSKY, from the Committee on Judiciary General, reported as committed, House Bill No. 2865 (Senate Bill No. 657), entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

Mr. VanSICKLE, from the Committee on Judiciary General, re-reported as committed, House Bill No. 2864 (Senate Bill No. 656), entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Mr. SHREINER, from the Committee on Insurance, re-reported as committed, House Bill No. 2950 (Senate Bill No. 55), entitled:

An Act to amend the act approved the seventhteenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases.

Mr. ACHTERMAN, from the Committee on Judiciary General, re-reported as amended, House Bill No. 2504, entitled:

An Act relating to the financing of motor vehicles prohibiting certain practices and imposing a penalty.

Mr. DIEHL, from the Committee on Constitutional Amendments, reported as committed, House Resolution No. 165.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2969 (Senate Bill No. 456), entitled:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the recon-

veyances of such propery" exending provisions of said act to devisees.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2862 (Senate Bill No. 457), entitled:

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3015 (Senate Bill No. 1242), entitled:

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable by such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appointment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of peronal property and machinery.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2920 (Senate Bill No. 1381), entitled:

An Act to amend section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and re-adjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six validating any action in adjourning or re-adjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court the action shall be ratified confirmed and made valid preserving tax liens is such cases and providing for the fixing of dates for tax sales in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2868 (Senate Bill No. 1140), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by limiting the time within which applications therefor may be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3023 (Senate Bill No. 1469), entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the poor and or the county commissioners in the several counties and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION

Mr. HOLSTROM offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 18, 1935.

Amend Resolution No. 107, Serial No. 136, Printer's No. 503, as follows:

Strike out all of paragraph number five, and insert in lieu thereof the following: "RESOLVED, That said committee make its report to the House of Representatives at the next Session of the Legislature and be further"

STATEMENT BY MR. WICKERSHAM

Mr. WICKERSHAM asked and obtained unanimous consent to make the following statement:

Mr. Speaker and Members of the House, we have heard not once but many times the Governor of Pennsylvania and other Democratic leaders declare that relief must be kept out of politics. As this session draws to a close, we are entitled to examine the record and ascertain whether these statements were idle gestures intended only to mislead and to deceive the public, or whether they were the sincere pledges of a Governor who intended to sponsor legislation which would carry out his pledge and help in the battle to take relief out of politics.

The history of this House contains the answer. Nowhere in its pages can we find reference to a single bill introduced by a Democrat that would assist in the carrying out of this pledge.

Furthermore, we find that the Democratic controlled Committee on Elections has deliberately "pickled" Re-

publican legislation which would remove sinister political implications from the distribution of relief funds.

Early in the present session I became convinced that there would be no Administration measure pertinent to the subject. Accordingly on March 14, I introduced House Bill 1551 which makes it a misdemeanor for anyone connected with the distribution of relief funds to attempt to influence the vote of a recipient of such funds at a primary or general election.

The Democratic controlled Committee on Elections indefinitely postponed consideration of the bill and never allowed it to appear on the floor of the House.

I personally inquired of the Chairman of this Committee why such a bill should be "pickled". He gave me two reasons. The first was that the act was unnecessary as there was similar federal legislation covering the subject.

Mr. Speaker, this assertion is not borne out by the facts, and I so advised the Chairman of that Committee. I have carefully examined the United States statutes, and find that there is no federal law prohibiting those engaged in the distribution of relief from attempting to influence the vote of a recipient of relief. With an abundance of precaution I wrote the Federal Emergency Relief Administrator to ascertain whether he could direct my attention to any such law. I quote from the reply I received.

Federal Emergency Relief Administrator
Walker-Johnson Building,
1734 New York Avenue, NW,
Washington.

May 21, 1935.

Hon. Thomas R. Wickersham,
300 Mechanics Trust Building,
Harrisburg, Pa.

My dear Mr. Wickersham:

In answer to your letter of the 14th, allow me to say that I know of no Federal legislation declaring it to be a criminal offense for persons having to do with the distribution of relief to attempt to influence the vote of a recipient of relief.

(Signed) Bruce McClure,
Personal Assistant to the Administrator.

The second reason given me by the Chairman of the Committee on Elections for "pickling" House Bill No. 1551 is as fallacious as the first. It was that even should the House pass such a bill, it would not pass in the Senate. I immediately requested Senator George L. Reed to introduce a similar bill in that body, and on May 8 he did so. This Bill, Senate Bill No. 1298 passed the Senate on May 21, and on May 22 was referred to the Committee on Elections in the House. Since that time it has been "bottled" in Committee as effectively as House Bill No. 1551.

Facts speak for themselves, Mr. Speaker, and the facts in this case irrefutably indict the Democratic leadership with stifling every attempt to take relief out of politics. Perhaps our radio-conscious Governor in his next address will tell the people of Pennsylvania what legislation he has sponsored to prevent the economic bribery of recipients of relief at the polls. My belief, however, is that this is a subject he will prefer not to discuss.

The distribution of relief funds is an important governmental function, and those actively engaged in the work hold positions of public trust. There can be no sound reason advanced to support the position that they should become ward workers at election time. On the contrary, if our system of government is to prevail, if Democracy is to guarantee the freedom of selection at the polls, we must take immediate action to curb the intimidation of those unfortunate persons on relief when they approach the ballot box. There still remains sufficient time to take a definite step in the right direction. It is important that Senate Bill No. 1298 appear on the calendar immediately.

The Democratic party is in control of this house, and therefore in control of its Committee on Elections. I call upon the Democratic leadership to report out immediately Senate Bill No. 1298, or to stand convicted of planning to use the distribution of relief funds as a political club to intimidate the vote of persons on relief.

STATEMENT BY MR. O'KEEFE

Mr. O'KEEFE asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, it is true that the gentleman from Dauphin did come to me on several occasions, and I told him the status of the House and the Senate bill, but had the gentleman come to me within the last two weeks and asked what had happened to his bill, I believe, then, this statement of this morning would have been uncalled for. Before adjourning last week, I called a meeting of the Committee on Elections purposely to discuss this bill. Unfortunately, the gentleman who was to report the bill out last evening was sick and was unable to report the bill out, but I wish to say, in answer to the gentleman from Dauphin, that the Committee did act favorably on his bill and that the committee cannot be accused of pickling it.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SCHROPE asked and obtained permission of the House for the Committee on Game to meet during the session.

RESOLUTION

COMMITTEE TO DRAFT FINANCIAL ASSISTANCE LEGISLATION

Mr. DENT, offered the following resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read as follows:

In the House of Representatives, June 18, 1935.

Whereas, This nation continues in the grip of the economic depression which has now lasted for a period of five years; and

Whereas, The various experiments which have been tried have not appreciably corrected conditions, and have seemingly overlooked a vital factor which adds to the depression, that is the ever increasing percentage of employables among our population; and

Whereas, This percentage of employables may be reduced only in one way, by withdrawing from industry those who have arrived at certain ages in order to open positions for the young people who are in need of employment; and

Whereas, It is apparent that the solution does not lie in providing insurance for the unemployed, but in providing financial assistance for those over certain ages, thus permitting this class to withdraw from industry; therefore be it

Resolved, That the Speaker of the House of Representatives shall appoint a committee of three members of this House whose duty it shall be to study and draft

legislation providing for financial assistance to those over fifty years of age who will withdraw from industry and in such study to take into consideration the provisions of House Bill No. 269, entitled "An act providing financial assistance for certain residents of this Commonwealth over fifty years of age, who are not gainfully employed and who do not have a certain income, establishing claims against the estates of such persons for assistance received, requiring a certain percentage of the assistance received to be expended monthly, creating and defining the powers of the citizens retirement board and defining the powers of the Department of Labor and Industry," and House Bill No. 270, entitled "An act imposing an income tax on residents of Pennsylvania, including fiduciaries, providing for disposition of proceeds of the tax for citizens' retirement, defining taxable income and requiring filing of returns thereof, providing for the withholding of the tax at source in certain cases, and imposing duties on withholding agents, providing methods and proceedings for determination and collection of the tax and imposition of liens therefor, providing for administration of the act by the Department of Revenue, authorizing that department to make rules, imposing penalties and making an appropriation for administrative costs."

Resolved, That said committee shall report to the next regular session of the House of Representatives.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Are there objections?

Mr. WITKIN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

MOTION TO SUSPEND RULE 84

Mr. DENT. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of consideration this resolution at this time.

On the question,

Will the House agree to the motion?

Mr. DENT. Mr. Speaker and members of the House, this resolution merely calls for the appointment of a committee—

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin will state his point of order.

Mr. WITKIN. Mr. Speaker, the gentleman is out of order when he begins to discuss what the resolution calls for.

The SPEAKER. The point of order is well taken. The resolution cannot be discussed at this time. The question before the House is the suspension of the rule.

Mr. DENT. Mr. Speaker, in order to bring home to the members the necessity for setting aside Rule 84, in order to have this resolution discussed and voted upon at this time, I believe it is necessary to bring to the House the contents of the resolution.

The SPEAKER. The resolution has been read for the information of the House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. DENT. Mr. Speaker, preceding the vote on this motion to set aside the Rule, is it possible for a member to make a statement pertaining to the resolution, if given consent of the House to make a statement?

The SPEAKER. The House has not given its consent for discussion of the resolution. The gentleman, however, can state why he feels that the rule should be suspended.

Mr. WITKIN. Mr. Speaker, I will withdraw the point of order with respect to the gentleman discussing the merits of the resolution if he so desires and the Chair so desires.

The SPEAKER. The only way that the resolution can be discussed is if the gentleman withdraws his objection to the immediate consideration of the resolution.

Mr. WITKIN. Mr. Speaker, I will not do that.

STATEMENT BY MR. DENT

Mr. DENT asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I wish to first thank the gentleman from Philadelphia for withdrawing his objection.

This resolution is nothing more nor less than for the purpose of the appointment of a committee of three to study the contents of two bills which were introduced in the early part of this session. These bills pertain to the question of old age retirement or voluntary retirement on the part of the citizenship of Pennsylvania.

I am going to take a few minutes of your time to bring home a little argument that I feel is necessary, in order that you may realize how serious I deem this question.

In the days of the aboriginal tribes the question of old age was easily solved. When a man became too old to work or fight or a woman to old to gather food or bear children a war club swung in a well aimed circle descending on a white head would settle the problem. The scavengers did the rest. A tribe was faced with the necessity of feeding the children and the able bodied adults. It meant a survival of the fittest.

Since that long gone day, the war club has been relegated to museums and a new way of dealing with the superannuated is demanded. To watch them starve is unpleasant and against human nature. Chloroform has been suggested but this does not appeal to the public, especially the old people. Illogical as it may seem, many of the old wish to keep living.

What happens to a person refused employment because of age restrictions? He is relegated to the scrap heap of human misery by becoming an object of public charity.

The poor-house is the traditional answer. You will find one or more poor-houses in almost every county in the United States. Last official figures (1930) show 3,124 persons sheltered in poor-houses out of a probable list of 716,798 over the age of 50 yrs. Of course we have private charity homes, and homes which accomodate a few more thousand. Figures for 1934 show that no less than 15 percent of the entire relief load is made up of persons over the 50 year age limit. In view of the fact that most industries will not hire new help over the ages of 40 and 45 it would naturally leave the conclusion that this percentage of our working population will be permanently unemployed. Under protection of labor unions and the NRA, many persons over 45 have escaped the axe. Why even this relief set-up refuses employment to a person over the age of 45. Something

must be done for this group of citizens. Any system set-up that does not carry contributions on the part of the employed will not stand because it is then a charity instead of a pension. This contributary system has proved successful in this State by the operations of the State employes retirement, the teachers fund and various police and firemen pension funds.

A survey of old age pensions show that 27 states and 2 territories have old age pension acts. There are 40 foreign countries with national laws pertaining to this vital question.

18 labor unions have old age pension funds out of which they paid $6,148,302 in 1932. Many of these organizations maintain homes as well as cash payment pensions.

In 1925 persons receiving pensions from contributory systems managed by the company employing them totalled 35,453. There were 245 firms with pension systems. In 1932 this number had mounted to 434 covering nearly 4,000,000 employes. Pension payments to 175,000 persons during 1931 amounted to approximately $85,000,000. Retirement ages range from a low of 50 years to a high of 70 years. Pension systems have a decided bearing on hiring ages. Where a maximum hiring age is in force the age limit is usually 45 and in some instances 40 and 35. The contributory system is by far the most successful as it really a cross between non-contributing pensions and life insurance. The prospective pensioner surrenders part of his pay to a fund drawing interest to which the employer and the government also contribute. The federal government has paid retirement pensions since 1920, this state has a retirement pension plan for its employes. Most states including Pennsylvania retire their school teachers out of funds partially made up by contributions from the taxpayers in one form or another. Policemen and firemen's pension systems are practically all of the contributory type and payments vary in various cities, for instance in Cleveland, Ohio payments range from $87.66 to $125.00 a month while in Pittsburgh they range from $50.00 to $75.00.

These facts show the necessity of a state-wide system. House Bills 269 and 270 are based on this need. There is no doubt that there should be a complete study made before any legislation is passed on this important subject. Our increasing numbers of unemployed youth, who upon finishing school find all employment agencies closed coupled with a natural shrinkage in employment due to improved machinery and mass production demand a study of this question. A feeling of human and natural interest in our aged demands this study.

Decency demands this study as asked for in this resolution, because of the fact that in many industries citizens have worked all their lives so as to buy a small home. Now, through, I think, no fault of their own, they are out of work, are faced with the danger, with the absolute fact that they will lose their home in the next few years, if they have not lost it already, due to the fact that under the present system practically no person over the age of fifty can now secure a job.

With the foregoing explanation, I ask that this committee of three men be appointed to make a study of this question and to submit a report to the next session of the Legislature, and the next session of the Legislature can study this same question and know what to do with it.

I, therefore, ask for the suspension of the rule and for your vote on this resolution.

Mr. SOWERS. Mr. Speaker and members of the House, I rise to support the motion of the gentleman from Westmoreland, Mr. Dent, to suspend the rule of the House and permit the immediate consideration of this resolution, and in support thereof I want to read to you a very short poem, which is the basis of my argument:

The pot was empty,
The cupboard was bare.
I said, Papa,
What's the matter here?
I'm waitin' on Roosevelt, son
Roosevelt, Roosevelt,
Waitin' on Roosevelt, son.

The rent was due,
And the lights was out.
I said, Tell me, Mama,
What's it all about?
We're waitin' on Roosevelt, son,
Roosevelt, Roosevelt,
Just waitin' on Roosevelt.

Sister got sick
And the doctor wouldn't come
Cause we couldn't pay him
The proper sum—
A-waitin' on Roosevelt,
Roosevelt, Roosevelt,
A-waitin' on Roosevelt.

Then one day
They put us out o' the house,
Ma and Pa was
Meek as a mouse
Still waitin' on Roosevelt,
Roosevelt, Roosevelt.

But when they felt those
Cold winds blow
And didn't have no
Place to go
Pa said, I'm tired
O' waitin' on Roosevelt,
Roosevelt, Roosevelt,
Damn tired o' waitin' on Roosevelt

I can't git a job
And I can't git no grub
Backbone and navel's
Doin' the belly-rub-
A-waitin' on Roosevelt,
Roosevelt, Roosevelt.

And a lot o' other folks
What's hungry and cold
Done stopped believin'
What they been told
By Roosevelt,
Roosevelt, Roosevelt.

Cause the pot's still empty,
And the cupboard's still bare,
And you can't build a bungalow
Out o' air-
Mr. Roosevelt, listen!
What's the matter here?

That poem was written by one of the greatest colored poets of the present day.

We should not continue waiting, we should support Mr. Dent and do something for ourselves.

On the question recurring,

Will the House agree to the motion?

The question was determined by a rising vote, eighty-eight members or less than a majority voting in the affirmative and ninety-nine in the negative, the question was determined in the negative and the motion was not agreed to.

MOTION TO EXPUNGE

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I don't know whether I am in order or not, but I simply rise to ask that the poem, which we have just heard read by the gentleman from Philadelphia be expunged from the record. I consider parts of it very indecent, and for that reason I ask that it be not incorporated in the Legislative Journal.

The SPEAKER. Does the gentleman make a motion to that effect?

Mr. JOHN E. BROWN. Mr. Speaker, I move that the poem just read by the gentleman from Philadelphia be expunged from the record.

Mr. SOWERS. Mr. Speaker and members of the House, the poem I just read, don't remember in what particular magazine it appeared, but it was one of the great national magazines that it spread broadcast over the United States.

I know of nothing in that poem that is disrespectful to anyone. I would not object for a moment if it came from the Democratic side against my side. To expunge this poem from the record is to show a spirit of unfairness. I am always ready to meet my opponents. I do not cry afterwards if I am defeated nor do I go around lauding my group should I be victorious.

Members of the House, stand up for fairness. To expunge that poem from the record will give it more publicity than if it be left in the Legislative Journal, which will go on somebody's shelf and never be read.

Mr. ANDREWS. Mr. Speaker and members of the House, I ask your consideration of the motion from a parliamentary point of view. A motion to expunge from the record should be the most severe of all possible punishments. It is the very summit of disapproval. That being the case, it is clearly in defiance of parliamentary tradition to use what might be termed a punishment for murder and identify it with a punishment for petty larceny. If expunging from the record is to mean anything, it must be saved as the unusual weapon of disapproval in an unusual case. Now, there has been a tendency in the last weeks of this session, otherwise I would not take the time of this House to be unduly sensitive, if some member desires to censor some other member, to make a motion to expunge. If we were to give that tendency free range, we would permit every member of the House who wants to make a motion to expunge to pass as censor upon the utterances of this House and that is clearly unparliamentary, Mr. Speaker, to expunge from the record unless the offense has been a matter of supreme moment. I hope the members will not pass this motion to expunge.

Mr. JOHN E. BROWN. Mr. Speaker, I have no objections to the poem, except in one verse. Now, if that verse is eliminated from the poem, I have no objection whatever to the poem. I do not want to interfere with free speech, however. I do not think that this Legislature should put anything of that kind in the record, that is my own judgment; I have not talked to any of the members around me.

The SPEAKER. Will the gentleman withdraw his motion to expunge?

Mr. JOHN E. BROWN. Mr. Speaker, if you will give me permission to eliminate one verse of the poem, I will withdraw my objection.

MOTION LAID ON TABLE

Mr. WITKIN. Mr. Speaker, I move that the motion of the gentleman from Washington, Mr. Brown, be laid upon the table.

The motion was agreed to.

RESOLUTION

Mr. JOHN J. DOWNEY offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 18, 1935.

Resolved, That House Resolution No. 103, Serial No. 130, Printer's No. 417, adopted March 27th, 1935, as amended by House Resolution No. 115, Serial No. 149, Printer's No. 476, adopted April 3rd, 1935, be amended so that paragraph number five shall read as follows:

Resolved, That the Speaker of the House of Representatives appoint 13 members of the House of Representatives to constitute a committee as non-political as possible, whose duty it shall be to investigate the cost of transportation from the anthracite producing regions of Pennsylvania to consumption points in maritime Canada and New England and the seaports of New York, New Jersey and Pennsylvania, and that if said committee find that high rates have materially reduced or will materially reduce the market for Pennsylvania anthracite coal in competition with coal produced in Great Britian or other foreign countries, or in competition with fuel oil selling at unreasonably low prices due to world wide over-production of cheap grades of crude oil, to endeavor to secure lower freight rates to the markets above mentioned by negotiation with carriers involved and if necessary by requesting the Interstate Commerce Commission to revise and reduce such transportation rates as are within their purisdiction, and further to inquire into and investigate such matters, practices and discriminations, aside from the cost of transportation, as are believed by said committee to have adversely affected the present market for anthracite coal, or which said committee believes will likely adversely affect its future market; and be it further

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3008 (Senate Bill No. 1598), entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred and thirty-five and such time as the funds provided by the General Appropriation Act become available

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2848, (Senate Bill No. 847), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2890, (Senate Bill No. 1345), entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2988, (Senate Bill No. 1535), entitled:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission

The Whereas clauses were read as follows:

Whereas By a resolution of the Senate adopted February tenth one thousand nine hundred and thirty-one a committee on the part of the Senate was created to investigate the Public Service Commission of the Commonwealth of Pennsylvania which committee presented a report to the Senate April fourteenth one thousand nine hundred and thirty-one and

Whereas There remain unpaid bills for reporting and transcribing said proceedings to the extent of eight thousand three hundred and forty-two dollars ($8,342) therefore

On the question,

Will the House agree to the Whereas clauses?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Bill, page 1, last line of the whereas clauses, by inserting after the figure "$8,432)" the following:

"and

Whereas, By a resolution of the House adopted February seventeenth, one thousand nine hundred and thirty-one, a committee on the part of the House and the Governor was created to investigate the Public Service Commission of the Commonwealth of Pennsylvania, which committee presented a final report to the House May twenty-fifth, one thousand nine hundred and thirty-one; and

Whereas, There remain unpaid bills for reporting and transcribing said proceedings to the extent of fifteen thousand six hundred and forty dollars ($15,640)"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the Clauses as amended?

They were agreed to.

The first section was read and agreed to as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight thousand three hundred and forty-two dollars ($8,342) is is hereby specifically appropriated to the Secretary of the Senate for the payment of unpaid bills incurred by the Senate committee pursuant to the authority granted by Senate resolution serial number six one thousand nine hundred and thirty-one adopted February tenth one thousand nine hundred and thirty-one Payment from said appropriation shall be made on requisition of the secretary of the Senate in the manner provided by law

Mr. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows

Amend Bill, page 2, by inserting after line 9 the following sections:

"Section 2. The sum of fifteen thousand six hundred and forty dollars ($15,640) is hereby specifically appropriated to the Chief Clerk of the House for the payment of unpaid bills incurred by the House and Governor's committee pursuant to the authority granted by House Resolution, serial number twelve, resolution number ten, printer's number thirty-five, of the session of one thousand nine hundred and thirty-one, adopted February seventeenth, one thousand nine hundred and thirty-one. Payment from said appropriation shall be made on requisition of the Chief Clerk of the House in the manner provided by law.

Section 3. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the bill as amended?

It was agreed to.

The title was read as follows:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission

On the question,

Will the House agree to the title?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "an appropriation" and insert: "appropriations"

Amend title, page 1, line 2 of title, by striking out the word "committee" and insert: "and House committees"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2999 (Senate Bill No. 366), entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at the Dixmont Hospital Dixmont Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2074 (Senate Bill No. 184), entitled:

An Act making an appropriation to the Department of Priperty and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2976 (Senate Bill No. 891), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2762 as follows:

An Act requiring operators of anthracite coal mines to report shipments to the Departmest of Mines

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That "anthracite" as used herein means coal from the anthracite coal fields of Pennsylvania.

"Destinations" as used herein means points to which anthracite is shipped by rail truck or otherwise and sold for consumption.

Section 2 All operators of anthracite coal mines shall report monthly to the Department of Mines shipments of anthracite to destinations such destinations to include each state each province of Canada and such subdivisions thereof as the department may designate.

Section 3 When anthracite is shipped to docks piers or other points for reconsignment reports to the Department of Mines under this act shall show only destinations to which said anthracite was reconsigned for consumption.

Section 4 When an operator sells through a wholesaler it shall be obligatory on such operator to require such wholesaler to furnish destinations of all anthracite sold in such a manner that will enable said operator to comply in all respects with the requirements of this act.

Section 5 It being the sole intent of this act to compile data for the purpose of showing the trend of anthracite consumption and anthracite markets the Department of Mines by publication or otherwise shall disclose only totals for the industry and not separately the figures of any one operator or any group of operators.

Section 6 Any operator failing to comply with the provisions of this act shall upon summary conviction be sentenced to pay a fine of not more than one hundred dollars ($100).

Section 7 The provisions of this act shall become effective ten (10) days after final enactment.

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of Mouse Bill No. 2723 as follows:

An Act relating to police officers patrolmen firemen and park guards as therein defined in cities of the first class fixing their hours and basis of pay requiring the furnishing of uniforms and equipment by the city providing for medical attention establishing a pension system and providing for its management contributions thereto by such employes and the city and for payments therefrom

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions The term "police officer patrolman fireman or park guard" or the term "member of the police department of the fire department and of the park guards" shall mean and include every superintendent assistant superintendent inspector captain sergeant and private of the police department every chief assistant chief battalion chief captain lieutenant and fireman of the fire department and every captain lieutenant sergeant and private of the park guards.

Section 2 Hours and Basis of Pay (a) A police officer patrolman fireman or park guard employed by or paid out of the treasury of any city of the first class shall not work more than forty-eight hours in any one week but shall be paid on the basis of a seven day work week.

(b) A police officer patrolman or park guard attending a court hearing or court hearings in cases in line of duty shall have the time consumed at such hearing or hearings and time consumed going to and from the court room included in said forty-eight hour week.

Section 3 Uniforms and Equipment All uniforms and equipment which may be used by a police officer patrolmen fireman or park guard shall be furnished without expense or cost to said officer patrolman fireman or park guard by the city of the first class.

Section 4 Medical Attention (a) Any police officer patrolman fireman or park guard who hereafter may become mentally or physically disabled while in the line of duty shall receive without cost or expense to himself medical treatment at a hospital or other institution which treatment shall be paid for entirely by the city.

(b) During the time said police officer patrolman fireman or park guard receives said medical treatment he shall receive full pay and shall not be demoted in rank or grade but if he is adjudged permanently disabled by the proper authorities where he is treated and by the chief police surgeon he shall become eligible for the pension he would have received had he served twenty years as hereinafter provided by the police and fireman pension fund plan.

Section 5 Police and Firemen Pension Fund (a) A police and firemen pension fund shall be administered by a board consisting of the city treasurer city controller a member of the police department who shall be elected annually by the members of the police department a member of the fire department who shall be elected annually by members of the fire department and a park guard who shall be elected annually by the park guards The members of said board shall serve without compensation and shall be empowered to employ such aides as shall be necessary The city treasurer shall act as custodian of

the police and firemen pension fund and shall be required to furnish a bond in the sum of fifty thousand dollars ($50,000) for faithful performance of his duties The premium for said bond shall be paid by the city

(b) Every member of the police department and of the fire department and of the park guards shall be required to join the police and firemen pension fund and shall be required to pay monthly the equivalent of one day's pay The city shall be required to make up annually any deficit in said pension fund. The total amount of the contributions paid into the existing pension fund of such cities by all police officers patrolmen firemen and park guards shall be transferred to the pension fund created hereunder and any former police officer patrolman fireman or park guard who is receiving a pension from such existing pension fund shall continue to be the recipient of the same amount from the fund herein created and shall contribute to the fund herein created the same monthly sum as he paid to the fund existing at the time this act becomes effective Any member of the previous pension fund who is not as yet eligible to receive a pension shall be credited with his length of service on the records of the fund herein created Any member shall be eligible for a pension after twenty years of service provided said member shall have reached the age of fifty years

Section 6 Amount of Pension (a) The amount of pension to be paid to any member shall be one-half of his average yearly earnings for the ten years preceding his separation from the service Provided That after fifteen years of service any member discharged from the police department fire department or park guards for any reason whatever shall receive a pension in the sum of seventy-five per centum of one-half of the average yearly earnings for the ten years preceding his separation eighty per centum after sixteen years of service eighty-five per centum after seventeen years of service ninety per centum after eighteen years of service ninety-five per centum after nineteen years of service and one hundred per centum after twenty years of service Provided further That the amount of pension to be paid to any member who because of his age or infirmity shall have been reduced to the catagory of second grade in his department shall in all cases be on the basis of one-half of his average weekly earnings for the ten years preceding his reduction to such catagory of second grade

(b) Any member killed or permanently disabled in the performance of his duties shall be considered to have attained the status that he would have otherwise attained had he served twenty years and his widow or dependents in case of death shall receive the same amount he would have received had he become a pensioner The widow shall be paid the pension benefits for life or until remarriage If only a child or children survive him he she or they shall receive benefits until the age of eighteen years If only a father and mother he or she shall receive benefits for life Provided however That all of above classes of persons were actually dependent on the pensioner at time of his death

(c) If any person receiving a pension shall die leaving a widow who was his wife at the time he commenced to receive such pension the same amount of pension as was received by him shall be paid to such widow until her death or remarriage

Section 7 Withdrawal from Existing Pension Fund All police officers patrolmen firemen and park guards who are now members of the city employes' pension fund shall upon the effective date of this act be transferred from such pension fund to the police and firemen's pension fund created hereby

Section 8 Repeals All acts and parts of acts inconsistent herewith are hereby repealed

Section 9 Effective Date The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FRANK P. HAMILTON, Mr. Speaker, I move that this bill be re-committed to the Committee on Cities for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House preceeded to the second reading and consideration of House Bill No. 3025, as follows:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" is hereby amended to read as follows

Section 2 The following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Document" A written instrument including the following

1 Any deed instrument or writing other than a lease whereby any lands tenements or hereditaments or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person

2 Any bond debenture or certificate [or evidence] of indebtedness of any person (except certificates of deposit) and any instrument however termed issued by any corporation with interest coupons attached or in registered form known generally as corporate securities except mortgage and trust participation certificates and securities issued by this Commonwealth or any political subdivision thereof or by the United States Provided That every renewal of any of the foregoing documents shall constitute a new issue or document

3 [Any written obligation to pay money including any promissory note (except bank notes issued for circulation and notes issued to mutual insurance companies payable only on the happening of certain contingencies) nonnegotiable note judgment note and any executory contract for the payment of money which is executed or carried out in an instrument in writing (except checks and drafts) and each renewal of any of the foregoing docu-

ments Provided That nothing herein contained shall refer or be construed to extend to contracts of insurance annuity suretyship indemnity and guarantee

4 Any mortgage [which incorporates] unless the [certificate of] indebtedness [not otherwise shown in a separate instrument] is evidenced by a separate instrument which is a document as defined in this act

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term person as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Value" (1) In the case of any document representing an obligation to pay money the full amount of such obligation Provided That where a document conditioned upon the repayment or payment of money is given in a penal sum greater than the full amount secured the term "value" shall mean the actual amount secured thereby

(2) In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor exclusive of liens or other encumbrances thereon or exclusive of a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands tenements or hereditaments Provided That where such documents shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 Section three of said act is hereby amended to read as follows

Section 3 Every person who makes executes issues or delivers any document or in whose behalf any document is made executed issued or delivered except corporations associations trusts community chests funds or foundations organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall be subject to pay for and in respect to such document or for or in respect of the vellum parchment or paper upon which such document is written or printed a State tax at the rate of five cents (5c) for each one hundred dollars ($100) or fraction thereof of the value represented by such document payable at the time of making execution issuance or delivery of such document

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3026, as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and/or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from currrent revenues levied assessed collectible and/or accruing during such two fiscal years defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas the present Session of the General Assembly has provided new revenues of the Commonwealth amounting to one hundred thirty millions dollars ($130,000,000) in addition to ther revenue for general purposes and

Whereas such revenues in the amount of sixty million dollars ($60,000,000) are specifically appropriated and set aside during the first fiscal year of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-five for unemployment relief and the remainder of such new revenues amounting to seventy million dollars ($70,000,000) though due will not be available to defray the current expenses of the State government when the same is actually necessary for that purpose or until the second fiscal year of such period and

Whereas the revenues though levied and assessed will not be available for the current expenses of the State government until the end of the first fiscal year of the aforesaid biennium and the collectible revenues will not be sufficient to defray the current expenses of the State government during such fiscal year and

Whereas the total revenues (including the aforesaid remainder of new revenues amounting to $70,000,000) which will be available for current and other expenses of the State government and which will accrue and will be paid into the General Fund of the State Treasury during both fiscal years of the said period will be sufficient to meet such current and other expenses during such period and

Whereas in order that the obligations of the Commonwealth for current and other expenses may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that will subsequently accrue to the State Treasury during the aforesaid fiscal period are available for this purpose

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning June first one thousand nine hundred thirty-five from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of fifty million dollars ($50,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania maturing not later than the thirty-first day of May one thousand nine hundred thirty-seven Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one-half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear the signatures of the Governor the Auditor General and the State Treasurer and a facsimile of the great seal of the Commonwealth

(c) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-five are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennium beginning June first one thousand nine hundred thirty-five

The term "current expenses" as used in this section shall be deemed to include among other matters moneys heretofore transferred from special funds to the General

Fund to defray the obligations of the Commonwealth which moneys under the provisions of law must be returned to such special funds during such biennium

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred thirty-five and shall be paid out of such revenues and so much of such revenues as may be necessary for this purpose are hereby specifically appropriated The Department of Revenue shall allocate such revenues to said payments

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3032, as follows:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof

Section 1 Be it enacted by the Senate and House of Rpresentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act may be cited as the "Revenue Certificate Law"

Section 2 Definitions Wherever used in this act unless a different meaning clearly appears from the context

(a) The term "undertaking" shall include the following revenue-producing undertakings or any combination of two or more of such undertakings whether now existing or hereafter acquired or constructed

(1) Causeways tunnels viaducts bridges and other crossings

(2) Highways parkways airports docks piers wharves subways terminals and other transit facilities.

(3) Systems plants works instrumentalities and properties used or useful in connection with the obtaining of a water supply and the conservation treatment and disposal of water for public and private uses used or useful in connection with the collection treatment and disposal of sewage waste and storm water used or useful in connection with the generation production transmission and distribution of gas (natural artificial or mixed) or electric energy for lighting heating and power for public and private uses together with all parts of any such undertaking and all appurtenances thereto including lands easements rights in land water rights contract rights franchises approaches dams reservoirs generating stations sewage disposal plants intercepting sewage trunk connecting and other sewer and water mains filtration works pumping stations and equipment

(b) The term "municipality" shall mean any county city town borough or township of the Commonwealth

(c) The term "governing body" shall mean the board commission council or other local legislative body of a municipality

Section 3 Additional Powers In addition to the powers which it may now have any municipality shall have power under this act (a) to acquire by gift purchase or the exercise of the right of eminent domain to construct to reconstruct to improve to better and to extend any undertaking wholly within or wholly without the municipality or partially within or partially without the municipality and to acquire by gift purchase or the exercise of the right of eminent domain lands easements rights in lands and water rights in connection therewith providing however that the right of eminent domain shall not be exercised to acquire existing facilities or property of Public Service Corporations (b) to operate and maintain any undertaking for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality (c) to prescribe revise and collect rates fees tolls or charges for the services facilities or commodities furnished by such undertaking and in anticipation of the collection of the revenues of such undertaking to issue revenue anticipation certificates to finance in whole or in part the cost of the acquisition construction reconstruction improvement betterment or extension of any undertaking (d) to pledge to the punctual payment of said certificates and interest thereon all or any part of the revenues of such undertaking (including the revenues of improvements betterments or extensions thereto threafter constructed or acquired as well as the revenues of existing systems plants works instrumentalities and properties of the undertaking so improved bettered or extended) or of any part of such undertaking and (e) to make all contracts execute all deeds of trust and other instruments and do all things necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties or in order to secure the payment of its certificates provided no encumbrance mortgage or other pledge of property of the municipality is created thereby and provided no property of the municipality is liable to be forfeited or taken in payment of said certificates and provided no debt on the credit of the municipality is thereby incurred in any manner for any purpose The powers conferred by this Act shall not be exercised so as to construct with the existing facilities of Public Service Corporations

Section 4 Procedure for Authorization of Undertaking and Revenue Anticipation Certificates The acquisition construction improvement betterment or extension of any undertaking and the issuance in anticipation of the collection of the revenues of such undertaking of certificates to provide funds to pay the cost thereof may be authorized under this act by resolution or resolutions of the governing body which may be adopted at a regular meeting by a majority of the members of the governing body present at such meeting Unless otherwise provided therein such resolution or resolutions shall take effect immediately and need not be laid over or published or posted The governing body in determining such cost may include all costs and estimated costs of the issuance of said certificates all engineering inspection fiscal and legal expenses and interest which it is estaimated will accrue during the construction period and for six months thereafer on money borrowed or which it is estimated will be borrowed pursuant to this act.

Section 5 Certificate Provisions Revenue anticipation certificates may be issued under this act in one or more series may bear such date or dates may mature at such time or times not exceeding fifty years from their respective dates may bear interest at such rate or rates not exceeding six per cenum per annum payable at such time or times may be payable in such medium of payment at such place or places may be in such denomination or denominations may be in such form either coupon or registered may carry such registration conversation and exchangeability privileges may be subject to such terms of redemption with or without premium may be declared or become due before the maturity date thereof may be executed in such manner and may contain such terms covenants assignments and conditions as the resolution or resolutions authorizing the issuance of such certificates may provide Said certificates shall be sold at not less than par Said certificates may be sold at private sale to the United States of America or any agency or instrumentality thereof or any corporation owned or controlled by the

United States of America Unless sold to the United States of America or any agency or instrumentality thereof or any corporation owned or controlled by the United States of America said certificates shall be sold at public sale in the manner provided by law All certificates issued under this act bearing the signature of officers in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor such officers whose signaures appear thereon shall have ceased to be officers of the municipality issuing the same Pending the preparation of the definitive certificates interim receipts in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of certificates to be issued under this act Said certificates and interim receipts shall be negotiable for all purposes

Section 6 Covenants in Resolutions Any resolution or resolutions authorizing the issuance of certificates under this act to finance in whole or in part the acquisition construction reconstruction improvement betterment or extension of an undertaking may contain covenants (notwithstanding that such covenants may limit the exercise of powers conferred by this act) as to (a) the rates fees tolls or charges to be charged for the services facilities and commodities of said undertaking (b) the use and disposition of the revenue of said undertaking (c) the creation and maintenance of reserves or sinking funds and the regulation use and disposition thereof (d) the purpose or purposes to which the proceeds of the sale of said certificates may be applied and the use and disposition of such proceeds (e) events of default and the rights and liabilities arising thereupon and the terms and conditions upon which certificates issued under this act shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived (f) a fair and reasonable payment by the municipality to the account of said undertaking for the services facilities or commodities furnished said municipality or any of its departments by said undertaking provided such annual payment shall not exceed the annual current revenues of the municipality (g) the issuance of other or additional certificates or instruments payable from or a charge against the revenue of such undertaking (h) the insurance to be carried thereon and the use and disposition of insurance moneys (i) books of account and the inspection and audit thereof and (j) the terms and conditions upon which any holder or holders of revenue anticipation certificates authorized to be issued under this act by said resolution or resolutions or any trustee therefor shall be entitled as of right to the appointment of a receiver which receiver may enter and take possession of such undertaking operate and maintain the same prescribe rates fees tolls or charges and collect receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do until said certificates and interest thereon shall have been paid and discharged or prior thereto if the court in its discretion shall so direct The provisions of this act and of any such resolution or resolutions shall be a contract with every holder of said certificates and the duties of the municipality and the governing body and the officers of the municipality under this act and under any such resolution or resolutions shall be enforceable by any certificate holder by mandamus or other appropriate suit action or proceeding at law or in equity.

Section 7 No Municipality Liability on Certificates Revenue anticipation certificates issued under this act shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof nor shall the municipality issuing the same be subject to any such cerificates shall ever have the right to compel any exercise of the taxing power of the municipality to pay any such certificates or the interest thereon nor to enforce payment thereof against any property of the municipality nor shall any such certificates constitute a charge lien or encumbrance legal or equitable upon any property of the municipality Every certificate issued under this act shall contain a recital setting forth the substance of this section

Section 8 Construction of Act The powers conferred by this act shall be in addition and supplemental to and not in substitution for and the limitations imposed by this act shall not affect the powers conferred by any other general or special or local law Cerificates may be issued under this act without regard to the provisions of any other general special or local law The General Assembly hereby declares its intention that the limitations on the amount or percentage of and the restrictions relating to indebtedness of a municipality and the incurring thereof contained in the Constitution of the Commonwealth and in any general special or local law shall not apply to certificates and the issuance thereof under this act

Section 9 Separability of Provisions If any provision of this act or the application of such provision to any person body undertaking or circumstance shall be held invalid the remainder of this act and the application of such provision to persons bodies undertakings or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 10 Time of Taking Effect This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3010 as follows:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements and sports on Sunday requiring persons partnerships associations or corporations conducting places of amusements and sports on Sunday to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and its payment into the State Treasury permitting refunds of the tax in certain instances and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Sunday Amusement Tax Act"

Section 2 The following words or phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Amusement" All manner and forms of entertainment including among others theatrical or operatic performances concerts moving picture shows and vaudeville and athletic contests including football and baseball games tennis and polo conducted on Sunday from any time after midnight on any Saturday until midnight the following Monday and to which an admission charge is made or contributions received

"Association" Any partnership limited partnership or other forms of unincorporated enterprise owned by two or more persons

"Department" The Department of Revenue of this Commonwealth

"Established price" Regular monetary charge of any character including contributions fixed and exacted or in any manner received by producers as herein defined from the general public directly or indirectly for the privilege to attend or engage in amusements as herein defined

"Person" Every natural person copartnership association or corporation Whenever used in any clause prescribing and imposing a penalty or both the term "person" as applied to copartnerships or associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Place of Amusement" Any place indoors or outdoors where the general public may upon payment of an established price attend any amusement as herein defined

"Producer" Any person as herein defined conducting any place of amusement as herein defined where the

general public or a limited or selected number thereof may upon the payment of an established price attend or engage in any amusement

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any producer to continue to conduct or thereafter to begin to conduct any form of amusement on Sunday at any place of amusement within this Commonwealth unless an amusement permit or permits shall have been issued to him as hereinafter prescribed

(b) Every producer desiring to continue to conduct or hereafter to begin to conduct any amusement within this Commonwealth shall file an application for an amusement permit or permits as the case may be with the department Every application for such permit or permits shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant conducts or intends to conduct an amusement the location of the place of amusement and such other information as the department may require If the applicant has or intends to have more than one place of amusement within the Commonwealth the application shall state the location of each place of amusement If the applicant is an association or a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the producer if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit

Upon approval of the application and the payment of any permit fee or fees herein required the department shall grant and issue to each applicant an amusement permit for each place of amusement within the Commonwealth set forth in his application Amusement permits shall not be assignable and shall be valid only for the persons in whose names issued and for the conduct of amusements at the places designed therein and shall at all times be conspicuously displayed at the places for which issued All permits for permanent places of amusement shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued for places of amusement under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke an amusement permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any amusement permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends an amusement permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 (a) In addition to any other taxes imposed by the laws of this Commonwealth a State tax is hereby imposed upon the privilege to attend or engage in any amusement on Sunday at the rate of two cents (2c) for each ten cents (10c) or fraction thereof of the established price charged the general public by any producer for such privilege which shall be paid by the person acquiring such privilege

(b) In the case of persons (except bona fide employes of a producer or municipal or State officers on official business) admitted free or at reduced rates to any place of amusement at a time when and under circumstances under which an established price is charged to other persons the tax imposed by this act shall be computed on the established price charged to such other persons of the same class for the same or similar accommodations to be paid by the person so admitted

(c) In the case of persons having the permanent use of boxes or seats in any place of amusement or a lease for the use of such box or seat in such place of amusement the tax imposed by this act shall be computed on the established price for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder such tax to be paid by the lessee or holder

Section 5 Producers shall collect the tax imposed by this act and shall be liable to the Commonwealth as taxpayers for the payment of the same into the State Treasury through the department as hereinafter provided in this act

Section 6 For the purpose of ascertaining the amount of tax payable by producers to the Commonwealth it shall be the duty of every producer except as hereinafter provided conducting a place of amusement on Sunday on or before the tenth day of each month to transmit to the department on a form prescribed and prepared by the department a report under oath or affirmation of the amount of tax collected by him during the preceding month

All reports required under this section shall show such information as the department shall prescribe

Every producer at the time of making every report required by this section shall compute and pay to the department the taxes collected by him and due to the Commonwealth during the period for which the report is made less a two per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act shall be due and payable on the tenth day of the next succeeding month and all such taxes shall bear interest at the rate of one per cent per month or fractional part of a month from the date they are due and payable until paid

If any producer shall neglect or refuse to make any report and payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided in this act

Section 7 (a) If the department is not satisfied with the report and payment of tax made by any producer under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such producer based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send or furnish a copy thereof to such producer by mail or otherwise Within ten (10) days after the date of any such determination such producer may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

Section 8 Within ten (10) days after notice by the de-

partment of the action taken on any petition for redetermination filed with it the producer against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

Section 9 The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon its petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of the county in which the place of amusement where the tax in controversy was collected is located from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

Section 10 If any producer shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such producer and determine the amount due by him for taxes penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal

Section 11 The department or any agent appointed in writing by it is hereby authorized to examine the books papers tickets ticket stubs and records of any producer taxable under this act to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the taxes imposed by this act have been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one year or both in the discretion of the court

Section 12 A The department may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The department shall cause such regulations to be disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the department shall have the same force as if they formed a part of this act

B Subject to the provisions of this act and without limiting the general power conferred by the preceding subsection the department may make regulations regarding

(a) The form of and the manner of collecting tickets passes or admission cards to be used for admission to places of amusement

(b) The records to be kept by producers to show fully the amount of taxes required to be collected by them under this act which records shall be kept by such producers for a period of two years

(c) The establishment of places within the Commonwealth where reports and payment of taxes collected by producers under this act may be filed or made

(d) The return of any tax collected by a producer where a refund is made by him of the established price charged at any place of amusement the amount of tax so returned to be credited against the amount of tax reported in any subsequent report

Section 13 (a) All taxes herein imposed due and unpaid together with the interest and penalites thereon shall be considered a public account after being determined in the manner prescribed in this act and as such shall be a lien upon the franchises or property both real and personal of any producer after the same has been entered and indexed of record by the prothonotary of the county where the producer's franchises or property are situated

(b) The department may at any time transmit through the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes collected or required to be collected by producers under the provisions of this act and penalties and interest thereon upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 14 Should any producer attempt to conduct a place of amusement on Sunday without obtaining a permit as required by this act or continue to conduct any place of amusement after his permit therefor shall have been suspended or revoked then the department may through the Department of Justice bring an action to restrain such person from conducting such place of amusement Such action shall be brought in the name of the Commonwealth of Pennsylvania and shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county where the place of amusement is located If it is made to appear by affidavit or otherwise to the satisfaction of the court that the producer is violating the provisions of this act in the manner aforesaid a temporary writ of injunction shall forthwith issue restraining the producer from conducting the place of amusement until the terms of this act are fully complied with. No bond shall be required in instituting such proceedings If such producer shall refuse to obtain a permit and otherwise comply with the provisions of this act within a time to be fixed by the court the court may make such injunction permanent until such time as the producer shall comply with the provisions of this act

Section 15 All taxes interest fines and penalties received collected or recovered under the provisions of this act shall be used only for the purpose of providing old age assistance and for such purposes is hereby appropriated to the Department of Welfare

Section 16 Any person who shall continue to conduct or shall hereafter begin to conduct a place of amusement on Sunday without first obtaining an amusement permit or permits as required by this act or who shall fail to collect the tax required by this act to be paid by persons attending or engaging in the amusement conducted by such person or who shall knowingly submit any false or fraudulent report required under this act or who shall fail to make any report and payment of tax required by this act or who shall otherwise violate any of the provisions of this act or any rule or regulation of the department adopted and promulgated under this act shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and costs of prosecution or to undergo imprisonment for not more than six months or both in the discretion of the court

Section 17 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 18 This act shall become effective thirty days after its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2269, as follows:

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers custodians or trustees for individuals and partnerships and to require persons to appear in court for examination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the courts of common pleas of the several counties of this Commonwealth in addition to the powers and jurisdiction heretofore possessed and exercised shall have the jurisdiction and powers of a court of chancery so far as relates to the restraining and control of distress proceedings with power to stay or postpone sales or to fix or waive security and to adjudicate the rights of parties and claimants

Section 2 The said courts shall also have the jurisdiction and powers of a court of chancery so far as relates to the appointment of receivers custodians or trustees for individuals and partnerships for the protection of such persons or their creditors or in aid of any legal process and upon application by any party in interest may require any person to appear in open court for oral examination covering any matter in issue

Section 3 It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 4 This act shall be effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1253, as follows:

An Act providing for and regulating the appointment promotion reduction in rank and removal of paid members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties of the second class and in the cities boroughs towns and townships within such counties creating a county civil service commission in each such county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on such counties and the cities boroughs towns and townships located therein imposing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Appointees in Police and Fire Departments in All Political Subdivisions in Counties of the Second Class Placed Under Civil Service Hereafter all appointments to and promotions in the Bureau of Fire Bureau of Police Bureau of Detective Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police and fire protection work in all second class counties and in the cities boroughs towns and townships located in such counties shall be made only according to qualifications and fitness to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendents of police and chief engineers of the Bureau of Fire These positions shall be filled by a member of the Police or Fire Bureaus who has had at least ten years experience in the police or fire departments

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

Section 2 Creation of County Civil Service Commissions Election of Commissioners Vacancies There is hereby created in each second class county of this Commonwealth a civil service commission herein referred to as the commission Each civil service commission shall consist of three commissioners who shall be qualified electors of the county At the municipal election in the year one thousand nine hundred and thirty-five three civil service commissioners shall be elected in each county of the second class and at such election a voter may not vote for more than two candidates The candidate receiving the highest number of votes at such election shall hold office for a term of six years the candidate receiving the next highest vote shall hold office for a term of four years and the candidate receiving the next highest number of votes shall hold office for a term of two years Biennially thereafter one civil service commissioner shall be elected for a term of six years to take the place of the commissioner whose term is about to expire The term of office of each civil service commissioner shall begin on the first Monday of January succeeding his election

Any vacancy in said commission happening by death resignation or otherwise shall be filled by an appointment by the court of common pleas of the county the appointee to serve until the first Monday of January succeeding he first municipal election occurring at least sixty days after such vacancy happened at which election a commissioner shall be elected for the unexpired term

Each civil service commission created by this act shall be a civil service commission for such county and for each political subdivision in the county as respects the police and fire departments thereof as provided in section one hereof

Section 3 Offices Incompatable With Civil Service Commissioners Political Activity Prohibited No civil service commissioner shall at the same time hold any other civil office under the United States the Commonwealth of Pennslyvania or any political subdivision of the Commonwealth except attorney at law or in the National Guard No civil service commissioner shall serve on any political committee or take active part in the management of any political campaign

Section 4 Organization of Civil Service Commission The civil service commission shall organize on the first Monday of January of each even-numbered year by the election of one of its members as president who shall serve for a term of two years

Section 5 Clerks to Commission Office and Supplies The chief clerk of the county commissioners of each such county and the city clerks and secretaries of the various political subdivisions therein shall be clerks to civil service commission at any time when the county or any political subdivision has any business to transact before said commission and the county and said political subdivisions shall supply to the commission on ts requisition without extra compensation such clerical and stenographic assistance as may be necessary for the work of the commission The county and its political subdivisions may in their discretion jointly pay the compensation of a permanent stenographer-clerk to the commission

The county commissioners shall provide a suitable and convenient room or rooms furnished lighted and heated for the use of the commission The commission shall order from the county and the various political subdivisions the necessary stationery postage supplies printing and an official seal for its use and every such county and the political subdivision therein shall aid the civil service commis-

sion in all proper ways in carrying out the provisions of this act and shall allow the reasonable use of public buildings and shall heat and light the same for holding examinations and investigations

Section 6 Rules and Regulations The civil service commission shall prescribe amend rescind and enforce rules and regulations for carrying into effect the provisions of this act Before any such rules and regulations are in force as to the county or any political subdivision thereof the same shall first be approved by the county commissioners the mayor of the city the burgess of the borough or town and the president of the township commissioners or township supervisors as the case may be When any such rules and regulations have been so approved it shall not be annulled or changed by the commission except by approval of the county commissioners the mayor of the city the burgess of the borough and the president of the township commissioners or borough supervisors as the case may be

If any officers given power to approve rules and regulations as above provided fail to take any action thereon within the period of twenty days from the date of the submission then such rules and regulations shall become effective in the same manner as if they had been approved

Due notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail to all appointing officers of the county and of political subdivisions thereof and such rules and regulations and modifications thereof shall be printed for public distribution

Section 7 Minutes and Records The civil service commission shall keep minutes of its proceedings and records of its examinations and other official actions All recommendations of applicants for appointment received by the commission or by any officer having authority to make appointments to office shall be kept and preserved for a period of ten years and all such records (recommendations of former employes excepted) and all written clauses of removal filed by the commission shall be open to public inspection at reasonable hours and subject to reasonable regulation

Section 8 Investigations The civil service commission shall have power to make investigations either as a body or through a single commissioner concerning all matters touching the enforcement and administration of the provisions of this act and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the commission or any person in public service with respect to the execution of this act And in the course of such investigation each commissioner shall have the power to administer oaths and affirmations and to take testimony

Section 9 Subpoenas The civil service commission shall have power to issue subpoenas under its seal and the signature of the chairman and require the attendance of witnesses and the production of books records and papers pertinent to any investigation or inquiry authorized by this act and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate

Witnesses obeying any subpoenas of the commission shall be entitled to the same witness fees and mileage as is prescribed for witnesses in the courts of the county and shall be paid from the appropriations for incidental expenses of the commission

All officers in the public service and their deputies clerks subordinates and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission or any commissioner the commission may apply to the court of common pleas of the county for a subpoena requiring the attendance of such person before the court there to testify and to produce any books records and papers If any person shall refuse to obey any subpoena issued by the court in pursuance hereof he shall be subject to punishment for contempt

Section 10 Annual Report The civil service commission shall make an annual report to the county commissioners of the county and to each political subdivision within the county, setting forth its rules and regulations in force and its suggestions for the more effectual accomplishment of the purposes of this act Such report shall also contain a brief summary of its work during the year Such report shall be available for public inspection five days after the same shall have been delivered to the county and the respective political subdivision thereof

Section 11 General Provisions Relating to Examinations All examinations for positions or promotions in police or fire departments of second class counties or political subdivisions thereof shall be practical in character and shall relate to such matters and include such inquiries as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have fulfilled the preliminary requirements of this act All applicants for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examinations held by the commission Each applicant for examination shall have been a resident of the county for a period of five years and of the political subdivision thereof in which he seeks to obtain employment at least two years Adequate public notice of the time and place of every examination together with information as to the kind of position or place to be filled shall be given at least one week prior to each examination

The commission shall adopt reasonable regulations permitting the presence of representatives of the press at examinations

The commission shall post publicly in its office the eligible list containing the name and grades of those who have passed examinations for positions under this act and shall indicate thereon such appointments as may be made from said lists

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission within a reasonable time prior to the examination as may be fixed by the commission a formal application in which the applicant shall state under oath or affirmation

(a) His full name and residence or post office address
(b) His citizenship age and place and date of birth
(c) His condition of health and physical capacity for public service
(d) His business and employments and residences for the last three previous years
(e) Such other information as may reasonably be required by the commission touching the applicant's qualifications and fitness for public service

Blank forms for such applications shall be furnished by the commission without charge to the persons requesting the same

The commission may require in connection with the application for examination such certificates from citizens physicians and others having knowledge of the applicant as the good of the service may require

Section 13 Rejection of Applicants Hearings The civil service commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible any one who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime or of infamous or notoriously disgraceful conduct or who has been dismissed from the public service for deliquency or misconduct or who has made a false statement of any material fact or practiced or attempted to practice any deceit or fraud in his application in his examination or in establishing his eligiblity or who refuses to comply with the rules and regulations of the commission

If any applicant or person examined feels himself aggrieved by the action of the commission or in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person appoint a time and place where he may appear personally and by counsel Whereupon the commission

shall then review its refusal to make such examination or certification and take such testimonoy as may be offered The commission shall subpoena at the expense of the applicant any competent witness requested by him After such review the commission shall file the testimony taken in its records and shall again make a decision which decision shall be final

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner The appointing officer of the county or political subdivision of the county shall notify the civil service commission of any vacancy in the police department or fire department which he desires to fill and shall request the certification of eligibles resident in the county or the political subdivision of the appointing officer as the case may be The commission shall forthwith certify from the eligible list the names of three persons thereon who received the highest averages in the preceding examinations held under the provisions of this act within the period of three years next preceding the date of such appointment The appointing officeer shall thereupon with sole reference to the relative merit and fitness of the candidates make an appointment from the three names so certified unless he makes objections to the commission to one or more of the persons so certified for any of the reasons stated in section thirteen of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed unless the name of a person has been three times rejected for the same or another position in favor of the name or names below it on the same list in which case the name of such person shall be stricken from the eligible list. When there are a number of positions of the same kind to be filled at the same time each appointment shall nevertheless be made separately in accordance with foregoing provisions Provided however That in the event any position as electrician or mechanic is to be filled in any fire department then the examination to be given shall be so drawn as to test only the qualifications of the applicants in regard to their ability as electricians or mechanics and special examinations shall be held in such cases

The term "appointing officer" as used in this section and in this act shall be construed to mean the officer or officers in whom the power of appointment of paid employes in the police and fire departments as defined in section one of this act in second class counties and political subdivisions thereof is vested by law

Section 15 Age Limits of Applicants for Examination Exception for Former Employes No person shall be eligible to apply for examination unless he is more than twenty-one and less than thirty-five years of age at the date of his application Provided however That in the event any applicant has formerly served in a fire or police department of the county or political subdivision for which he again makes application for a period of more than six months and resigned from that department at a time when there were no charges of misconduct or other malfeasance pending against him within the period of two years next preceding the date of his application and is still a resident of the county or political subdivision thereof in which he seeks reinstatement then such person shall be eligible for reinstatement in the discretion of the civil service commission even though he be over the age of thirty-five years

Such applicant for reinstatment may be reappointed without examination other than a physical examination if the reinstatement is to the lowest rank in the department above probationers of the department

Where in any second class county or political subdivision thereof periodical or other physical examinations of employes in the police and fire departments are made by a doctor a copy of the report of the findings of such doctor shall be furnished to the person examined within twenty-four hours after its receipt by the county or political subdivision

Section 16 Probationary Period All original appointments to any position in the fire and police departments within the terms of this act shall be for a probationary period of six month but during the probationary period an appointee may be dismissed only for just cause in the manner provided by section thirteen of this act If at the close of a probationary period the conduct or capacity of the probationer has not been satisfactory to the appointing officer the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his employment shall cease otherwise his retention in the service shall be equivalent to his final appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police or fire department of any such county or of any political subdivision thereof and there is no person's name on the eligible list for such appointment the appointing officer may nominate a person to the civil service commission for noncompetitive examination If such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination in the manner prescribed in this act No such provisional appointment shall continue for a longer period than three months nor shall successive provisional appointments be made to the same position

Section 18 Promotions Vacancies in positions in the police and fire departments of second class counties and political subdivisions thereof shall be filled so far as practicable by promotions from among persons holding positions in the lower grades in the departments Promotions shall be based upon merit to be ascertained by tests to be prescribed by the civil service commission and upon the superior qualifications of the persons promoted as shown by previous service and experience Provided however That no person shall be eligible for promotion in cities of the second class until after serving seven years or in cities of the third class boroughs towns or townships until after serving three years The civil service commission shall have power to determine in each instance whether an increase in salary constitutes a promotion

Military service records shall not apply in taking examinations for promotion in any department

Section 19 Physical Examinations All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of two doctors of medicine appointed by the civil service commission No person shall be eligible to take an examination until said two doctors certify that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the performance of the duties of the position desired

Section 20 Removals No person employed in any fire or police department of any county of the second class or political subdivision thereof shall be removed discharged or reduced in rank except for the reasons specified in section thirteen of this act and in no event until he shall have been furnished with a written statement of the reasons for such action A person so employed may not be removed for religious or political reasons In every such case of removal or reduction in rank a copy or statement of the reasons therefor and written answers thereto if the person sought to be removed or reduced in rank desires to file such written answers shall be furnished to the commission If the person sought to be removed or reduced in rank shall demand it a court of inquiry or trial board shall be constituted as provided in section twenty-one of this act if there are sufficient members in the police and fire departments to carry into effect the provisions of said section In all other cases the demand may be to the civil service commission The court of inquiry or trial board or the civil service commission as the case may be shall grant him a public hearing which hearing shall be held within the period of ten days from the filing of the charges in writing and the written answers thereto At any such hearing the person against whom the charge is made may be present in person and by counsel and the burden shall be upon the removing officer to justify his action In the event that the court of inquiry trial board or civil service commis-

sion fails to uphold the action of the removing or demoting officer then the person sought to be removed or demoted shall be reinstated with full pay for the period during which he may have been prevented from performing his usual employment and no charges shall be officially recorded against his record

A written record of all the testimony taken at such hearing shall be filed with kept and preserved by the civil service commission which record shall be sealed and not be available for public inspection in the event no appeals shall be taken from the action of the commission

In the event the court of inquiry trial board or commission shall sustain the action of the removing or demoting officer the person removed or reduced in rank shall have an immediate right of appeal to the court of common pleas of the county Such appeal shall be taken within ninety days from the date of entry by the court of inquiry trial board or civil service commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for hearing and shall proceed to hear the appeal on the original record and no additional proof or testimony shall be permitted to be introduced The decision of the court of common pleas affirming or reversing the decision of the court of inquiry trial board or civil service commission shall be final and the employe shall be discharged demoted or reinstated in accordance with the order of said court

The removing or demoting officer and person sought to be removed or demoted shall at all times have the right to employ counsel before the court of inquiry trial board or commission and upon appeal to the court of common pleas

If for reasons of economy or other reasons it shall be deemed necessary by any county of the second class or political subdivision thereof to reduce the number of paid employes of the fire or police departments then such counties and political subdivisions shall apply the following procedure

(a) In the Bureau of Police Bureau of Detectives Police Telephone Operators and their assistants and Police Radio Operators and their assistants in cities of the second and third class if there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty years of age or over

(b) In the Bureau of Fire Bureau of Electricity Bureau of Electricity in connection with the fire department in cities of the second and third class and in the fire and police departments in second class counties and other political subdivisions if there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement in order of the oldest men in age and the oldest in service

(c) If the number of paid employes in the fire and police departments eligible to retirement is insufficient to effect the reduction in numbers decided by the county or political subdivision or if there are no persons eligible for retirement or if no retirement or pension fund exists then the reduction shall be effected by suspending the last man or men including probationers that have been appointed to said fire or police department Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed until such reduction shall have been accomplished in the event the said fire or police department shall again be increased in numbers to the strength existing prior to such reduction the employes suspended shall be reinstated before any new appointments shall be made

Section 21 Selection of Court of Inquiry or Trial Board The head of the department shall in the presence of the accused and a brother officer or employe acting as his counsel cause the names of at least twenty-five members in said Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with police and fire departments Police Telephone Operators and their assistants Radio Operators and their assistants and all other agents connected with the police and fire prevention work in the counties or political subdivisions equal or superior in rank to the accused to be written upon separate slips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided and cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom whereupon the director of the head of the department and the accused shall each in order to be entitled to exercise challenges until only three names are left and said three persons shall compose said court either of trial or inquiry as the case may be In the event of an insufficient membership on the police or fire departments disposal of such cases shall be decided upon by the civil service commission

Section 22 Present Employes Exempted All appointments in the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police and fire protection work in the employ of all counties cities boroughs towns and townships upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion

Section 23 Discrimination on Account of Political or Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced No discrimination shall be exercised threatened or promised by any person in the police or fire departments against or in favor of an applicant person on the eligible list or employe because of political or religious opinions or affiliations

Section 24 Penalty Any appointing power who appoints any person to the police department or fire department of any county of the second class or political subdivision thereof contrary to the provisions of this act or who wilfully refuses or neglects to comply with or conform to the provisions of this act or who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or suffer imprisonment not exceeding three months or both at the discretion of the court

Section 25 Salaries of Civil Service Commissioners The civil service commissioners shall each receive an annual salary of five thousand dollars ($5000) payable by the respective counties

Section 26 Repeal and Construction All acts and parts of acts general special or local inconsistent with this act are hereby repealed It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments in counties of the second class and in all cities boroughs towns and townships located in such counties No titles of any officers in this act shall be changed unless an amendment to this act has been made

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2993 (Senate Bill No. 1028), entitled:

An Act to amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws

six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from sub-division (b) of Article six of that Act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2994 (Senate Bill No. 1027), entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2985 (Senate Bill No. 1514), entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2978 (Senate Bill No. 1032), entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3013 (Senate Bill No. 1035), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2945 (Senate Bill No. 951), entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3020 (Senate Bill No. 1531), entitled:

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate trade and fictitious names and in advertisements trade-marks and brands conferring powers on the Department of Agriculture and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WESTRICK. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2984 (Senate Bill No. 1484), entitled:

An Act to further amend the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities allowances returns benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2980 (Senate Bill No. 1357), entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" is hereby amended to read as follows

Section 8 The major general commanding the division Pennsylvania National Guard shall have in time of peace so far as practicable all the power and authority of a major general of a tactical division under the rules and regulations prescribed or hereafter to be prescribed for the government of the armies of the United States subject to the orders and direction of the Governor as Commander-in-Chief He shall be responsible to the Governor for the training instruction discipline administration and efficiency of all troops of the Pennsylvania National Guard and shall cause such inspections and reports to be made as are required by this act He may with the consent of the Governor employ such [officers] clerical and other force and place on active duty such commissioned officers of the active Pennsylvania National Guard as may be required at his headquarters Such commissioned officers on active duty under competent order or authority shall receive from the Adjutant General the pay and allowances of officers of the same grade in the United States Army provided that such officers are performing duties appropriate to their grade branch of service and assignment such clerical and other force shall be paid by the Adjutant General at rates of compensation as may be deemed by the Commander-in-Chief just and proper

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2073 (Senate Bill No. 139), entitled:

An Act to amend sections four and seventeen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by providing for refunds of taxes paid on liquid fuels consumed on a farm in agricultural pursuits and providing penalties and providing for the suspension of this act under certain conditions

The first section was read as follows.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and seventeen

of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

[Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act]

The tax imposed by this section shall be payable by the distributor but shall be borne by the last purchaser and the payment by the distributor shall be deemed to have been for the account of such purchaser However the intent of this act is to place the ultimate burden resulting from such tax on all persons using liquid fuels except in agricultural pursuits on a farm and to that end provisions for refunds are made hereinafter where the tax has been paid by a distributor on liquid fuels used on a farm in agricultural pursuits

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 17 Refunds The Board of Finance and Revenue may refund to distributors taxes penalties and interest paid by them on liquid fuels delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact Claims for [refund] such refunds shall be made under the procedure prescribed by The Fiscal Code

Any person who shall buy liquid fuels on which the tax imposed by this act shall have been paid and shall consumed the same actually on a farm in agricultural pursuits and not in any vehicle ordinarily traveling the highways shall be entitled to a refund of the amount of such tax All such claims for refund shall be made by affidavit in such form and containing such information and be presented within such time as the Board of Finance and Revenue by rules and regulations shall prescribe and the claimant shall satisfy the board that he has borne the tax and that the liquid fuels have been consumed by him in a manner actually on a farm in agricultural pursuits The Board may require such further information or proof as it shall deem necessary The action of the Board on Finance and Revenue in granting or refusing a refund shall be final Any person making any false or fraudulent affidavit for the purpose of a refund of the tax shall be guilty of perjury

All refunds of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds

As much of the moneys from time to time in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from these funds for refunds from time to time by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. FURMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study and amendment.

On the question.
Will the House agree to the motion?

Mr. HABBYSHAW. Mr. Speaker and Members of the House of Representatives, the bill before you is: The Rice-Zeisenheim bill which exempts farmers from tax on gasoline used for domestic and agricultural purposes on the farm.

During the early part of the session I had introduced in this House a bill which was the same as the one before you at this time, but for some reason was unable to move the bill out of committee. A few weeks' ago I offered an amendment to the Stewart one cent additional gas tax to relieve the farmers of all taxes on gasoline used for agricultural and domestic farm purposes. My amendments were voted down by the Democratic members of this House. Last week, I, again, on the floor of this House, reminded the members concerning this bill in Ways and Means Committee, after which the committee met and reported the bill out as committed.

A motion to recommit would simply delay the passage of this bill and I appeal to the Members—and, especially, appeal to the rural members of this House to support this bill and give the farmers a little break on the taxes which they are paying without any returns.

We have some farmers in the state who use gasoline to operate different kinds of machinery, who never use the Highways, and yet today they are called upon to help pay these taxes.

Mr. Speaker and Members of the House, I have been much interested in this piece of legislation and I ask for a roll-call.

On the question recurring,
Will the House agree to the motion?

The yeas and nays were required by Mr. HABBYSHAW and Mr. TAHL.

Mr. MOOMAW. Mr. Speaker I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—91

Andrews,	Downey, J. J.,	McDermott,	Schwab,
Aukerman,	Duffort,	McElroy,	Shaw,
Baine,	Eberharter,	Melchiorre,	Shepard,
Baker, J. J.,	Eroe,	Mentzer,	Shugarts,
Bradley,	Falkenstein,	Mooney,	Siegel,
Brancato,	Finnerty,	Moran,	Sinwell,
Brown, H. S.,	Fitch,	Murrin,	Smith, W. G.,
Brown, J. E.,	Flanagan,	Nothnagle,	Sproul,
Brownfield,	Furman,	O'Keefe,	Stank,
Burke,	Gerard,	Ominsky,	Stevens,
Cannon,	Haberlen,	O'Neill,	Sumney,
Carson,	Hagerty,	Panton,	Tronzo,
Chervenak,	Hamilton, F. P.,	Patterson, C.,	Tumelty,
Coakley,	Harmuth,	Patterson, J. W.,	Turner,
Cochran,	Holland,	Pearson,	VanSickle,
Cohen,	Holstrom,	Pfaff,	Walker,
Coleman,	Kilroy,	Piole,	Weidemann,
Coolahan,	Klingler,	Powers,	Weiss,
Decker,	Kobelak,	Reising,	Welsh,
Dent,	LaRue,	Robinson,	Yourishin,
Diehl,	Long,	Ruth,	Zappala,
Dilley,	Lovett,	Sarraf,	Sarig,
Downey, G. E.,	Male,	Scanlon,	

NAYS—65

Altenburg,	Hamilton, R. S.,	Moomaw,	Spangler,
Arnold,	Hoffner,	Moore,	Stewart,
Atkins,	Hoopes,	Moul,	Stockham,
Bernhard,	Horst,	Phillips,	Tahl,
Blumberg,	Jones,	Reynolds,	Terry,
Boose,	Kane,	Rinn,	Trout,
Boyd, R.,	Kelder,	Schrock,	VanAllsburg,
Brennan,	Kelso,	Schrope,	Wall,
Castor,	Kinney,	Shortz,	Westrick,
Cordier,	Linderman,	Shreiner,	White,
Davies,	Longaker,	Simpson,	Wickersham,
Ferko,	Lynch,	Sloan,	Winner,
Flinchbaugh,	McCreary,	Smith, J. A.,	Witkin,
Gates,	McDevitt,	Snyder, F. E.,	Wood,
Greenstein,	McKinney,	Snyder, J. L.,	Woodside,
Habbyshaw,	Merrell,	Sowers,	Yeakel,
Haluska,			

So the question was determined in the affirmative and the motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2991 (Senate Bill No. 562), entitled:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entitled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Mr. SPROUL. Mr. Speaker, I desire to call up at this time House Bill No. 2922, Senate Bill No. 1384, Printer's No. 476, on page 9 of today's calendar, bills on second reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SPROUL and,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 2922 (Senate Bill No. 1384), entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. RUTH asked and obtained permission of the House for the Committee on Ways and Means to meet during the session of the House.

APPROPRIATION BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1670 (Senate Bill No. 535), as follows:

An Act making appropriations to The Glen Mills Schools situate in Delaware County Pennsylvania

Sections 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three hundred and one thousand dollars ($301,000) or so much thereof as may be necessary is hereby specifically appropriated to The Glen Mills Schools situate in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred fifteen thousand four hundred seventy-seven dollars and ninety-four cents ($115,477.94) is hereby specifically appropriated to The Glen Mills Schools situated in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such schools during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such schools by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to The Glen Mills Schools situated in Delaware County Pennsylvania out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative. the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1674 (Senate Bill No. 539), as follows:

An Act making appropriations to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of two hundred and eighty-five thousand dollars ($285,000) or so much thereof as may be necessary is hereby specifically appropriated to Sleighton Farm School for Girls situate in Delaware County Pennsylvania for the two fiscal years beginning the first day of June Anno Domini one thousand nine hundred and thirty-five for the purpose of maintenance

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thousand six hundred eighty-three dollars and fifty-one cents ($100,683.51) is hereby appropriated to Sleighton Farm School for Girls situated in Delaware County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to Sleighton Farm School for Girls out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative. the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2089 (Senate Bill No. 754), as follows:

An act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven hundred fifty thousand dollars ($750,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of Temple University at Philadelphia for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University

Section 2 In addition to the appropriation made by section one of this act the sum of two hundred ninety-seven thousand dollars ($297,000) is hereby appropriated to the trustees of Temple University at Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by the trustees for the general maintenance of and the purchase of apparatus and equipment for such University during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to the trustees of Temple University out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Shall the bill pass finally?

Mr. NAGEL. Mr. Speaker and members of the House, I fear I may commit a traditional sin, but I hope not an unpardonable sin for rising on the floor of this House to oppose this appropriation bill. For a number of years such a move has been one that might be considered as treading upon the toes of certain people. I might repeat that such a move in times past might have been considered as treading upon holy ground, likely to call down upon the head of one who made such a move the wrath of the Gods.

Members of the House we have before us just at this time today and yesterday, a stupendous problem of distributing the money of this great Commonwealth, not our money but the money that belongs to the taxpayers, to all the various parts of the state to its institutions so that it may benefit not a few, but the great masses of our State. I believe every member of this House voted freely and willingly when we made appropriations to the aged, when we increased that appropriation from twenty million to forty million, that we might relieve suffering humanity. We voted for mothers pensions; we are trying to take care of the blind; we are doing all we can to relieve suffering humanity, but today we are asked to appropriate one million two hundred ninety-seven thousand dollars to one of our higher institutions of learning

I submit to you, members of this House, that we have before us some tasks that precede others, that should come before them, and the tasks that I have mentioned taking care of the aged, the blind, the infirm and the suffering are some of the primary tasks that are before us. But when you get down to this matter, it would seem to me that it is our prime duty, our first duty, to take care of the boys and girls in the lower grades and in the high schools. We have come from our districts, from the various parts of this great Commonwealth. When we sought this office, we said to our taxpayers at home "We are going to bring back relief to real estate so that the farms and the homes will no longer be sold from you in order to maintain our institutions."

But today we are attempting to appropriate to a higher institution of learning this vast sum of money, and we are leaving our high schools in destitute circumstances.

Just last week there was considered before the Educational Committee House Bill 2166, which would continue a reduction of ten percent to our teachers, and conditions are getting very hard on the teachers of the fourth class districts. Secretaries from three of the municipalities of this Commonwealth plead with the committee that we would enact a law and let this continue for another two years. There was the decision for this Committee to make. The teachers that were enduring this cut and owners of homes who were about to lose their homes..

The statement was made by some of these secretaries that they could not collect over sixty-five percent of their tax duplicates without the use of the sheriff,—the use of the sheriff in the selling of the homes.

We are not opposed to higher education. We would gladly give it if we had it. But we haven't got it. We are not in position to take from the funds that were raised for the primary purpose of educating the boys and girls in the elementary grades and the high school, and give it to those higher up.

I submit to you, ladies and gentlemen of this House, if that statement is not correct. We have institutions in this state that are contributing to our education in this state, that are producing teachers of a high grade and a high character, sending them out and giving their services to us, and these colleges are getting nothing from our appropriations.

Now, I don't come before you today and ask you to vote either for or against this bill, but I come to you with my protest and ask you to give it particular consideration.

Mr. TURNER. Mr. Speaker, I would not rise at this time except that the gentleman from Beaver has fallen into an error that I feel that we should not allow to rest in the minds of the members of the House. When he talks of the teachers of the public schools and of the appropriations that should be made to them, I want to say that under the general appropriation bill as it left this House, it carried fifty-eight million dollars which is the entire amount that will be needed under the Edmunds Act in the next two years.

The necessity for granting permission to the school districts to cut teachers' salaries is not because the state is not making its full contribution to the public schools as required under the Edmunds Act, but is occasioned by the fact, as stated in many districts they are unable to collect their tax duplicates, and it will be necessary for them to either close their schools or to raise the taxes upon the properties of those who can pay the taxes in order that they can increase the amount of the local yield.

The failure is not on the part of the State; the failure is on the part of the local tax payers and upon that part of the burden which the local taxpayer pays towards the support and maintenance of the public schools.

And then let me say one other word while we are speaking about the institutions of higher learning, and while we may think of the grade schools, because I believe they are not only necessary for higher education, but they are great police factors in times like this, but remember the younger men and younger women who are today graduating from our institutions who have no opportunity of getting into business, want to secure an education and want to prepare themselves for that time when they can enter business. They will have to meet stiff competition and in meeting that stiff competition they want to be prepared as best they can. It is essential that we keep our higher institutions of learning open, that we can give that opportunity to these young men and women to make that preparation. Our Federal government has recognized that in its great program of expenditure of money and is aiding thousands of students throughout the United Staes in our higher institutions of learning.

These institutions too are having great problems to carry on. Remember there are thousands of professors whose salaries have been cut, who are working at a wage that it seems almost impossible for them to live in the circumstances in which we expect them to live, and if these institutions do not receive appropriations, if they do not receive assistance from the state government there may be thousands of men and women who have a right to expect to earn their living in these institutions who have given up their lives and many years of service in the past to the public and to the children of our state, and who have a right also to expect something from the Commonwealth.

Mr. CANNON. Mr. Speaker and members of the House, I rise to oppose this appropriation bill. Knowing that I came here in behalf of humanity, those in distress, those unemployed, those who sought work and who were unable to obtain it through no fault of their own, those deserving old age assistance, those deserving pensions for the blind, which measures we have already passed in this session. I rise to oppose this bill for this reason, that we stand here making appropriations, seeing what was going over last night when amendments were made to certain bills—I rise to oppose this appropriation bill, gentlemen for the simple reason that on Wednesday, December 12, 1934, there was published in one of the Philadelphia newspapers an article and I am only going to quote a short part of that article: "Through the aid of a donation of sixty-six thousand dollars from the Welfare Federation to it—" that is this hospital to which I am referring,—"an advance of one hundred four thousand dollars from the Athletic Association, Temple University last year made a profit of twenty-one thousand dollars according to its financial report."

The reason I oppose this, members of the House, is that if we are charitably inclined, charity in my estimation is a virtue and should never be a racket.

Mr. COHEN. Mr. Speaker and Members of the House, in view of the apparent misinformation which has been given to the membership of this House, I feel that it is my duty to call certain salient facts to the attention of the members.

In the first place, questions have been raised that the Commonwealth has been derelict in its duty as far as primary and secondary education is concerned. The members of this House already know that the appropriation for education under the Edmunds Act to the local school system has been increased by this membership from fifty-three million to fifty-eight million dollars. This House has already passed a five million dollar bill for the aid of distressed school districts. This House has already acted on appropriations for State Teachers' College, which is exactly the same as that appropriation passed in the session of 1933 and '34.

In addition thereto there is buried in the general appropriation bill approximately two and one-half million dollars as a subsidy to the school system for the teaching of the children that are blind or deaf and unable to attend the regular school functions.

Also we have various appropriations to welfare institutions, to those who are mentally afflicted and who cannot take their part in the educational processes of this Commonwealth.

Now, we are confronted with the problem of making appropriations to the higher institutions of learning. This is not a new venture on the part of this Commonwealth; this is not a new venture on the part of any Commonwealth. Reference to the budget on page thirty-four will show you that to the institutions of higher learning, including our own State College, the Commonwealth appropriations are six million eight hundred twenty-eight thousand dollars as carried in the budget. That figure is decidedly less than the same amount of appropriations made by other Commonwealths in the United States. The large, liberal, mid-western Universities have been appropriated funds greatly in excess of the six million eight hundred twenty-eight thousand dollars which is carried in this budget.

In addition thereto, those state universities in the mid-west and in the west maintain their professional schools and a very important part of the education of the citizens of the Commonwealth is the necessity for training men and women who are competent to take care of our professions, with particular reference to the doctors, trained dentists, trained lawyers, and for the protection of the people of the Commonwealth that come from the higher institutions of learning.

Some objection possibly might be made to the fact that our own university, State College, has a grant of three million four hundred thousand dollars and the balance goes to institutions that are not owned entirely by the State. Let me call this to your attention, that with the situation of State College in the center of the State, in a rural agricultural district, the facilities for the laboratory clinic and the other facilities that are required in the training of professional men are not available and by necessity we must establish some means for training that type of student in the large centers of population. Therefore, you will see that the monies that are being appropriated to the higher institutions of learning are expended in the large centers of population.

In addition, I wish to call attention to the fact that these higher institutions of learning are almost universally heavily endowed, and that the cost of the education of a medical student amounts to approximately two thousand dollars a year for an individual who goes through with a

medical course. That deficiency between the two thousand dollars and the four or five hundred dollars which the student is prepared to pay must be made up in one of two methods, either through the endowment that the institution has, or from the contributions that the state makes for that purpose, and I submit that appropriations for these higher institutions of learning, and you will see by consulting your budget on page twenty-four, are simply to maintain those professional schools and are directed to those institutions which are maintaining higher education of individuals, the like of which is not afforded by any other institution in the state.

Mr. SHEPARD. Mr. Speaker, I rise in support of this appropriation bill for this additional reason; the cost of higher education is going up everyday, and it is getting to the place where it is almost impossible for a person of moderate means to get a higher education.

Temple University is one of the institutions in this state that makes it possible for young men and women of moderate income who come from families who are not well off to get an education. One of the finest safeguards for democracy is education, and trained leadership, and I rise in support of this appropriation bill for Temple University, to leave the door of opportunity open for young men and women who do not come from wealthy families, nevertheless through Temple University they will have an opportunity to partake of higher education and aid in building up strong democratic leadership for this Commonwealth.

I ask the members of this House to support this, one of the finest institutions of higher learning, one of the greatest institutions of higher learning that Pennsylvania has ever had.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simpson,
Arnold,	Flynn,	McKinney,	Sinwell,
Atkins,	Forrest,	Melchiorre,	Sloan,
Aukerman,	Furman,	Mentzer,	Smith, J. A.,
Baine,	Gates,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Hamilton, F. P.	Murrin,	Stewart,
Boyer,	Hamilton, R. S.	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	VanAllsburg,
Chervenak,	Holstrom,	Phillips,	VanSickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,
Falkenstein,	Mason,	Shepard,	

NAYS—4

Brown, J. E.,	Cannon,	Haluska,	Nagel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2501, as follows:

An Act providing for the utilization of labor of adult men who are employed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for Boroughs Cities and Counties in which they reside

Whereas Many unemployed persons receiving public relief are unable to secure any employment and

Whereas It is the duty of the Commonwealth to provide shelter for unemployed persons and moneys are appropriated to the State Emergency Relief Board for such purposes and

Whereas The Commonwealth cannot indefinitely continue to provide relief for unemployed persons without some reimbursement in the form of constructive improvement of the Commonwealth for the benefit of its taxpaying citizens and creating some new business or occupations which can when established furnish work in ways not now available and

Whereas The present policy of administering relief produces nothing which will tend to end the necessity for relief by making new fields of employment therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the county commissioners of any county the mayor of any city or the burgess of any borough shall have authority to employ men eighteen years of age or older residing in their county city or borough who are receiving public relief for periods up to thirty hours per week and not over six hours per day upon the construction extension improvement or maintenance of airports and hangars thereon belonging to or leased by said county city or borough

They shall provide transportation for said workers so employed to and from work where the distance is over one mile from the said workers residence They shall carry workmen's compensation insurance on said workers They shall pay said workers so employed at the end of each period of thirty hours such wages as said county city or borough can reasonably afford but not less than the sum of twenty cents per hour in cash Said compensation shall be in addition to any relief now received and shall not be considered as employment which will deprive the worker so occupied and receiving such compensation of the right to continue to receive unemployment relief in the same manner and to the same extent as though he were wholly unemployed Provided however that any such person offered such employment and who shall refuse to accept such employment or to work there-

on willingly when physically able to do so and without having any other remunerative work available shall be reported by said commissioner mayor or burgess to the State Emergency Relief Board who shall upon being satisfied of such refusal having been made without good cause deprive such individual refusing such work of all further public relief This refusal however shall not deprive the wife and children of relief which however must thereafter be administered solely to and through the wife or mother

Section 2 The State Emergency Relief Board shall adopt such rules and regulations as may be deemed necessary to carry into effect the provisions of this Act and prevent benefits of public relief going to individuals refusing employment offered upon projects conducted under this Act

Section 3 This Act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, I cannot let this opportunity go by without calling your attention to this bill as amended.

It was amended last night so as to increase the wages paid under it from the munificent sum of ten cents to twenty cents per hour. I wish to congratulate the sponsor upon the increase. If it were doubled again it might give somewhere near the prevailing rate of wages for laborers.

I certainly do not think that this House wants to go on record in favor of a measure which will compel those persons who are on relief to work for wages at twenty cents an hour. I realize that the bill says "not less than twenty cents," but it also says "for such wages that the said county, city or borough can reasonably afford." and I am afraid that some of our municipalities cannot reasonably afford to pay any wages at all, and if you are going to leave it to be determined upon that basis, they will very likely take the minimum.

Then going over to page 3, anyone who refuses to work for these munificent wages of twenty cents shall be denied all further public relief. It has not even any qualification in case any person may later return and offer to go to work. Apparently they will be taken off relief permanently.

Furthermore the bill provides that you shall continue to get relief when you are working, which I believe is contrary to the Federal regulations, to the Federal requirements on relief, and that part of the bill probably could not be enforced at least so far as payments from Federal funds are concerned.

I suppose that the state funds could be used for that purpose. but he bill in he form that it is, in my opinion will establish in Pennsylvasia a modified form of peonage and I don't believe that we want any such thing.

I am in favor of work relief at the prevailing rate of wages, and that anyone not willing to work under such conditions should be denied relief. I don't want anyone to get up and say that I have tried to argue for the right to remain on relief and refusing to work when they are able to do so, but I do say that we don't want to set up any such form of peonage in Pennsylvania as to require anyone in Pennsylvania to work for twenty cents an hour even with the relief payment added to it. It will drive down the standards of the workers of this Commonwealth and I ask you to vote "no."

Mr. KANE. Mr. Speaker, I regret very much the necessity of saying anything whatever on this bill, because of the fact that the wording of the bill is very very clear.

Mr. Speaker, three or four weeks ago, I called the attention of the House to this bill and requested and invited amendments from any and all sources, including by personal invitation the gentleman who has just spoken, asking that any constructive amendments should be given to me or offered on the floor of the House. In spite of the fact that the wording of his bill at that time contained a maximum wage and a minimum wage which was no satisfactory to me, as a sponsor, nevertheless nobody offered any suggestions at all. Accordingly at the last possible hour for anybody to offer amendments I doubled the minimum wage scale, and I call to the attention of the House that that is a cash payment in addition to any amounts received from relief. I also call the attention of the House to the fact that this labor can only be used on municipal airports. The airports must be owned or controlled by the municipality in which the person working resides. It is entirely optional with each community whether they use the authority granted by this bill or not. If there is serious objection in any community, I have no doubt that the local authorities may not desire to use the authority hereby granted. In addition to that, the wage scale, being for unskilled labor, is by the bill left entirely to the local authorities.

There is nothing mandatory in this bill requiring that they either use the bill at all or that they pay any particular scale of wages, except that they cannot pay any less than six dollars a week in cash, in addition to relief.

I call your attention to the further fact that even though an able-bodied person refuses to work and is taken off relief, his family cannot be taken off, regardless of what he may or may not do.

This bill necessarily must be limited in scope, because no community will want a whole host of airports.

I call attention also to the fact that probably many of you know that Pennsylvania is probably the most dangerous state in the United States for air travel. It is commonly so admitted. And why? Because we have no places in our large forest and mountainous areas where they can safely land when they get into trouble.

I have been forced down over forests a number of times and a number of my friends have been killed. I suggest to you that the scope of this bill is limited and that it is not such that it can do any great harm.

I call attention further to the fact that those persons who are opposed to this bill have offered no amendments. I suggest that you pass this bill and offer any suggestions for changes or amendments to the Senators from your districts.

I ask your support for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—71

Achterman,	Habbyshaw,	Moore,	Stone,
Altenburg,	Hart,	Muir,	Stott,
Andrews,	Hefferon,	Parks,	Sumney,
Atkins,	Holland,	Phillips,	Surface,
Aukerman,	Horst,	Reynolds,	Terry,
Bernhard,	Jackson,	Rhys,	Trout,
Boose,	Kane,	Root,	Turner,
Boyer,	Kelder,	Schwartz,	VanAllsburg,
Brennan,	Kelso,	Shortz,	Walker,
Brown, J. E.,	Longaker,	Shreiner,	Wall,
Condon,	Lynch,	Siegel,	Wasserman,
Conner,	Male,	Simpson,	White,
Davies,	Mallen,	Sloan,	Wickersham,

Duffort,	McCreary,	Snyder, F. E.,	Winner,
Gates,	McDevitt,	Snyder, J. L.,	Witkin,
Gillette,	McKinney,	Spangler,	Wood,
Green,	Mentzer,	Stewart,	Woodside,
Greenstein,	Merrell,	Stockham,	

NAYS—95

Allen,	Falkenstein,	Kobelak,	Sarraf,
Baine,	Ferko,	LaRue,	Scanlon,
Baker, J. J.,	Finnerty,	Linderman,	Schrock,
Barber,	Fitch,	Long,	Schrope,
Barnhardt,	Flanagan,	Lovett,	Shaw,
Bradley,	Forrest,	McDermott,	Shepard,
Brancato,	Furman,	Melchiorre,	Shugarts,
Brumbaugh,	Gerard,	Mooney,	Sinwell,
Caputo,	Haberlen,	Moul,	Smith, W. G.,
Carr,	Hagerty,	Murrin,	Sowers,
Carson,	Haluska,	Nothnagle,	Sproul,
Chervenak,	Hamilton, F. P.	O'Keefe,	Stank,
Coakley,	Hamilton, R. S.,	Ominsky,	Stevens,
Cochran,	Harkins,	Panton,	Tahl,
Coleman,	Harmuth,	Patterson, C.,	Tronzo,
Coolahan,	Hartman,	Patterson, J. W.,	Tumelty,
Cordier,	Hermansen,	Pearson,	Weidemann,
Decker,	Hirsch,	Pfaff,	Weiss,
Dent,	Holstrom,	Piole,	Welliver,
Diehl,	Hoopes,	Powers,	Welsh,
Dilley,	Jones,	Reising,	Westrick,
Downey, G. E.,	Kilroy,	Rinn,	Yourishin,
Downey, J. J.,	Kinney,	Roan,	Zappala,
Eberharter,	Klingler,	Ruffennach,	Sarig,
Eroe,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1672 (Senate Bill No. 537), as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That an appropriation be made to the Elwyn Training School of Elwyn in the County of Delaware and Commonwealth of Pennsylvania for the maintenance of wards of the State at three hundred and fifty dollars per capita per annum and that the sum of three hundred and seventy-five thousand two hundred dollars ($375,200) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and thirty-five

Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thirty-six thousand seven hundred twenty four dollars and two cents ($136.724.02) is hereby appropriated Elwyn Training School at Elwyn in the County of Delaware for two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred for the maintenance of such school during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the maintenance appropriation made to such school by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary notwithstanding amounts payable to Elwyn Training School out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	Van Allsburg,
Castor,	Holland,	Pfaff,	Van Sickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2581, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses during the biennium ending the thirty-first day of May one thousand nine hundred thirty-five defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shaw,
Alexander,	Ferko,	McCreary,	Shepard,
Allen,	Finnerty,	McDermott,	Shortz,
Altenburg,	Fitch,	McDevitt,	Shreiner,
Andrews,	Flanagan,	McElroy,	Shugarts,
Arnold,	Flinchbaugh,	McHenry,	Siegel,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baker, J. J.,	Furman,	Mentzer,	Sloan,
Baldi,	Gates,	Merrell,	Smith, J. A.,
Barber,	Gerard,	Moomaw,	Smith, W. G.,
Barnhardt,	Gillette,	Mooney,	Snyder, F. E.,
Bernhard,	Green,	Moore,	Snyder, J. L.,
Brumbaugh,	Greenstein,	Moran,	Sowers,
Boose,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	VanAllsburg,
Chervenak,	Holstrom,	Phillips,	VanSickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrock,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 364, entitled:

An Act relating to and regulating the furnishing and sale of natural gas and of natural and artificial gas admixtures and fixing standards for such gas requiring public service companies to file post and publish tariffs and schedules in accordance with such standards defining the powers and duties of the Public Service Commission and county and city sealers of weights and measures in connection therewith and providing penalties

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally:

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—71

Achterman,	Fitch,	Long,	Reising,
Aukerman,	Flanagan,	Lovett,	Robinson,
Baine,	Furman,	Lynch,	Ruth,
Barber,	Haberlen,	Male,	Scanlon,
Bernhard,	Hagerty,	McCreary,	Shepard,
Brancato,	Haluska,	McDermott,	Sinwell,
Brown, H. S.,	Harkins,	McElroy,	Smith, J.
Brown, J. E.,	Harmuth,	Melchiorre,	Stank,
Burke,	Hindman,	Mentzer,	Stevens,
Cannon,	Hirsch,	Moomaw,	Stone,
Caputo,	Holstrom,	Moul,	Sumney,
Carson,	Hoopes,	Murrin,	Tronzo,
Dent,	Kelso,	Nagel,	Tumelty,
Dilley,	Kilroy,	Ominsky,	VanSickle,
Downey, G. E.,	Kinney,	Panton,	Walker,
Duffort,	Klingler,	Patterson, C.,	Zappala,
Falkenstein,	Kobelak,	Pfaff,	Sarig,
Finnerty,	LaRue,	Powers,	

NAYS—86

Alexander,	Eberharter,	Nothnagle,	Stewart,
Allen,	Ferko,	O'Neill,	Stockham
Altenburg,	Forrest,	Patterson, J. W.,	Stott,
Andrews,	Gates,	Pearson,	Surface,
Arnold,	Greenstein,	Perry,	Tahl,
Atkins,	Habbyshaw,	Peters,	Terry,
Baldi,	Hamilton, F. P.,	Piole,	Trout,
Barnhardt,	Hamilton, R. S.,	Rinn,	Turner,
Blumberg,	Hart,	Roan,	Wall,
Boose,	Hefferon,	Sarraf,	Wasserman,
Boyd, R.,	Hermansen,	Schrock,	Weidemann,
Boyer,	Horst,	Schrope,	Welsh,
Brennan,	Jackson,	Shortz,	Westrick,
Brownfield,	Jones,	Shreiner,	White,
Carr,	Kane,	Siegel,	Wickersham,
Castor,	Kelder,	Simon,	Winner,
Chervenak,	Longaker,	Sloan,	Witkin,
Cochran,	McDevitt,	Snyder, F. E.,	Wood,
Conner,	McKinney,	Snyder, J. L.,	Woodside,
Coolahan,	Merrell,	Sowers,	Yeakel,
Diehl,	Mooney,	Spangler,	Yourishin,
Downey, J. J.,	Moore,	Sproul,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS DROPPED FROM CALENDAR

Mr. HORST. Mr. Speaker, I move that House Bill No. 1072, Printer's No. 1057, on page 43 of today's calendar, bills on third reading postponed, be dropped from the calendar.

The motion was agreed to.

Mr. FLANAGAN. Mr. Speaker, I move that House Bill No. 2572, Printer's No. 1355, on page 14 of today's calendar, bills on third reading, be dropped from the calendar.

The motion was agreed to.

Mr. FLANAGAN. Mr. Speaker, I move that House Bill No. 2573, Printer's No. 1354, on page 15 of today's calendar, bills on third reading, be dropped from the calendar.

The motion was agreed to.

Mr. PEARSON. Mr. Speaker, I move that House Bill No. 1723, Printer's No. 1497, on page 2 of today's calendar, bills on third reading, be dropped from the calendar.

The motion was agreed to.

Mr. MELCHIORRE. Mr. Speaker, I move that House Bill No. 2124, Printer's No. 1375, on page 13 of today's calendar, bills on third reading, be dropped from the calendar.

The motion was agreed to.

Mr. ALEXANDER. Mr. Speaker, I move that House Bill No. 1867, Printer's No. 1460, on page 16 of today's calendar, bills on third reading, be dropped from the calendar.

The motion was agreed to.

BILL ON THIRD READING

Mr. SHREINER asked and obtained unanimous consent to call up out of order, House Bill No. 1301, Senate Bill No. 168, Printer's No. 677, on page 31 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1301 (Senate Bill No. 168), as follows:

An Act creating a commission to allot all space in the Capitol Building and defining the duties of the said commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That with a view to the control and allotment of space in the capitol building a commission of five members is created to be known as the Capitol Building Commission to be composed of the President Pro Tempore of the Senate of Pennsylvania who shall be ex officio chairman of the commission the Speaker of the House of Representatives of Pennsylvania a Senator in the General Assembly of Pennsylvania to be designated from time to time by the President Pro Tempore of the Senate a Representative in the General Assembly to be designated from time to time by the Speaker of the House of Representatives and the Secretary of Property and Supplies The Secretary of the Senate shall be ex officio secretary of the commission and the Chief Clerk of the House of Representatives shall be ex officio assistant secretaries of the commission

Said commission shall be empowered to require the services of employes of the Senate of Pennsylvania and employes of the House of Representatives of Pennsylvania as shall be necessary and all members of the commission as well as secretaries and employes of the commission shall serve without pay except employes of the Senate or House of Representatives who do not receive an annual salary may be allotted such compensation as the commission may designate and fix from time to time to be paid from the Legislative appropriation as the commission shall determine

Any vacancy in said commission may be filled by the commissioners electing a Senator or a member of the House of Representatives to fill such vacancy temporarily and any commissioner so elected shall serve until the office vacated shall be filled as provided by law

Section 2 Said commission shall have the absolute control of the allotment of all space in the State Capitol Building and shall from time to time assign and allot for the use of the several activities of the government all such space Provided however That the space now allotted to the Judicial Department of the Government the Chamber of the Senate and the Hall of the House of Representatives shall be as heretofore

Section 3 All acts and parts of acts inconsistent with this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

Mr. SHREINER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, lines 3 and 4, by striking out the words "shall be ex officio secretary of the commission"

Amend sec. 1, page 2, line 5, by striking out the word "assistant"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILL NO. 2077 MADE A SPECIAL ORDER

Mr. WEISS. Mr. Speaker, I move that House Bill No. 2077, Senate Bill No. 222, Printer's No. 555, entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

on page 24 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage at 12:00 o'clock noon tomorrow.

The motion was agreed to.

BILL ON THIRD READING

Mr. STONE asked and obtained unanimous consent to call up out of order House Bill No. 2966, Senate Bill No. 899, Printer's No. 579, on page 35 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2966 (Senate Bill No. 899), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees and employes of such corporations and persons.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. STONE. Mr. Speaker, I move that this bill be recommitted to the Committee on Banking for the purpose of further study.

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1972

Mr. ACHTERMAN. Mr. Speaker, I offer the report of the Committee of Conference on House Bill No. 1972.

The SPEAKER. The report will lie over for printing.

ALL BILLS REPORTED FROM COMMITTEE READ FIRST TIME

Mr. RUTH. Mr. Speaker, I move that all bills reported from committee today as amended or as committed be read for the first time.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 2963 (Senate Bill No. 90), entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended; providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

Mr. BAINE, from the Committee on Ways and Means, reported as committed, House Bill No. 3027 (Senate Bill No. 1601), entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Mr. NOTHNAGLE, from the Committee on Game, reported as committed, House Bill No. 3006 (Senate Bill No. 1483), entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

Mr. ROBINSON, from the Committee on Game, reported as committed, House Bill No. 2818 (Senate Bill No. 165), entitled:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts.

Mr. SHAW, from the Committee on Elections, reported as amended, House Bill No. 2888 (Senate Bill No. 1298), entitled:

An Act prohibiting any one engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2963 (Senate Bill No. 90), entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3027 (Senate Bill No. 1601), entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3006 (Senate Bill No. 1483), entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2818 (Senate Bill No. 165), entitled:

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2888 (Senate Bill No. 1298), entitled:

An Act prohibiting any one engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION INTRODUCED AND REFERRED

By Mr. DENT, RESOLUTION No. 176.

In the House of Representatives, June 18, 1935.

Whereas, This nation continues in the grip of the economic depression which has now lasted for a period of five years; and

Whereas, The various experiments which have been tried have not appreciably corrected conditions, and have seemingly overlooked a vital factor which adds to the depression, that is the ever increasing percentage of employables among our population; and

Whereas, This percentage of employables may be reduced only in one way, by withdrawing from industry those who have arrived at certain ages in order to open positions for the young people who are in need of employment; and

Whereas, It is apparent that the solution does not lie in providing insurance for the unemployed, but in providing financial assistance for those over certain ages, thus permitting this class to withdraw from industry; therefore be it

Resolved, That the Speaker of the House of Representatives shall appoint a committee of three members of this House whose duty it shall be to study and draft legislation providing for financial assistance to those over fifty years of age who will withdraw from industry and in such study to take into consideration the provisions of House Bill No. 269, entitled "An act providing financial assistance for certain residents of this Commonwealth over fifty years of age, who are not gainfully employed and who do not have a certain income, establishing claims against the estates of such persons for assistance received, requiring a certain percentage of the assistance received to be expended monthly, creating and defining the powers of the citizens retirement board and defining the powers of the Department of Labor and Industry," and House Bill No. 270, entitled "An act imposing an income tax on residents of Pennsylvania, including fiduciaries, providing for disposition of proceeds of the tax for citizens' retirement, defining taxable income and requiring filing of returns thereof, providing for the withholding of the tax at source in certain cases, and imposing duties on withholding agents, providing methods and proceedings for determination and collection of the tax and imposition of liens therefor, providing for administration of the act by the Department of Revenue, authorizing that department to make rules, imposing penalties and making an appropriation for administrative costs."

Resolved, That said committee shall report to the next regular session of the House of Representatives.

Referred to the Committee on Labor.

RESOLUTION

Mr. HINDMAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 17, 1935.

Resolved, That paragraph 5 of Resolution Serial No. 95, Printer's No. 311, be amended to read as follows: "Resolved, That the said committee shall make a report to the House of Representatives [during this] at the next session as early as possible.

BILL ON SECOND READING

Mr. GREENSTEIN asked and obtained unanimous consent to call up out of order House Bill No. 2902, Senate Bill No. 1128, Printer's No. 715, on page 8 of today's calendar, bill on second reading which was passed over.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2902 (Senate Bill No. 1128), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and others indirectly liable for the payment thereof and owners of property affected thereby by restricting the right to proceed against certain property and persons and limiting the amount of deficiency judgments

The first to the sixth sections, inclusive, were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage or any other obligation securing or guaranteeing the payment thereof is or has been given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal of the mortgage debtor may be attached levied on or sold for the debt secured by such bond and mortgage and before any other person bound by any obligation securing or guaranteeing the payment of said mortgage debt may be proceeded against or any property real or personal of any such other person may be attached levied on or sold for the debt secured by such bond and mortgage

Section 2 Whenever any real property is sold on or before June thirtieth one thousand nine hundred and thirty-seven on any execution on the foreclosure of any mortgage or on a judgment entered on any obligations secured by mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs including taxes the plaintiff or use plaintiff shall within six months after such sale petition the Court out of which such execution issued to fix the fair value of the property sold at the time of such sale

Section 3 The petition shall set forth

(a) The location by address or description of the real estate sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) The price for which said property was sold at Sheriff's sale

(c) The cost of the proceedings under which the property was sold

(d) The amount of the judgment and the accrued and unpaid taxes water rents and other State and Municipal liens and interest and penalties thereon and other prior mortgage or judgment liens at the time of the said sale

(e) A statement of the fair value of said property at the time of said sale and shall name as respondents the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt or any obligation securing or guaranteeing such mortgage debt

Section 4 The Court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition Any party in interest may prior to the time of the hearing demand in writing a jury trial on any material issue or issues of fact raised by the pleadings whereupon the said issue or issues shall be determined by a jury trial as in other cases

Section 5 Said petition may be served by the Sheriff of the County or by the Sheriff of any other county specially

deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the sheriff is that the respondent or respondents or any of them cannot be found in this county or state said respondent or respondents may be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least ten days prior to the presentation of such petition a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon Provided however That if there be no legal newspaper in the county and there be more than one newspaper of general circulation then in two such newspapers otherwise in the one only

Section 6 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed at least five days before the time fixed for hearing Excepting however That service of the petition may be made personally by a person other than such sheriff or may be made by registered letter directed to the last known place of residence of such parties or if the last known place of residence of any of such parties shall not be known to the petitioner such notice shall be given by publication as above provided No judgment shall be entered or hearing had until the Court shall be satisfied that service has been made upon all the respondents in any one of the methods herein provided

The seventh section was read as follows:

Section 7 At such hearings any party in interest may introduce into evidence testimony of the fair value of the premises sold at the time of the sale or of any other matter in issue If the fair value of the said property at the time of the said sale shall be finally determined to be less than the total of the amounts of the judgment with interest and costs any prior mortgage or judgment liens not discharged by the sale the secured and unpaid taxes water rents and other state or municipal liens with interest and penalties thereon the Court shall enter a deficiency judgment in the said proceeding in the amount of the difference and thereupon the liability of all persons directly or indirectly liable for the payment of the said mortgage debt shall be limited to the amount of the said deficiency judgment Provided however that in no event shall the fair value be determined to be less than the price for which the property was sold at such Sheriff's sale and in no case shall the amount of the deficiency judgment exceed the amount of the payment upon which such sheriff's sale was had

On the question,

Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 7, page 5, lines 18, 19 and 20, by striking out the words "and in no case shall the amount of the deficiency judgment exceed the amount of the payment upon which such sheriff's sale was had"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 After such Sheriff's sale no such plaintiff or use plaintiff shall take any proceedings to recover or collect the amount of the mortgage debt until and unless such deficiency judgment shall have been entered and if the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the Prothonotary shall enter satisfaction of such judgment upon the written motion of the defendant or other party in interest provided however that such motion bears the written approval of a Judge of a Court in which the petition was filed Such satisfaction shall have the effect of terminating as well the liability of all persons directly or indirectly liable for the payment of said mortgage debt or any obligation securing or guaranteeing such mortgage debt

On the question,

Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 8, page 6, lines 1, 2 and 3, by striking out the words "provided, however, that such motion bears the written aproval of a judge of a court in which the petition was filed"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section was read and agreed to as follows:

Section 9 The defendant in the foreclosure proceedings or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing or guaranteeing the payment of the mortgage debt or other person in interest may at any time after the sale present a petition to the Court in like manner to fix the fair value of the property sold In such case there shall be named as respondents the plaintiff and use plaintiffs as well as all other persons known to petitioner to be directly or indirectly liable to plaintiff or use plaintiff or any other person for the payment of the said mortgage debt and the case shall proceed in the same manner as hereinbefore provided for in the case of a petition by the plaintiff or use plaintiff

The tenth section was read as follows:

Section 10 Whenever at such Sheriff's sale the holder of a lien subsequent to that upon which the sale was had shall become the purchaser of the said property he shall not be entitled to take any proceedings to recover or collect the amount of the debt secured by the said lien or encumbrance until and unless a deficiency judgment shall be entered at the time and in the manner as hereinbefore provided for further proceedings to recover the amount of the debt under the mortgage upon which the Sheriff's sale was had and in such case all the provisions of this Act shall apply with the same force and effect as if the said sale had been held upon said subsequent lien or any obligation secured thereby

On the question,

Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 10, page 7, line 4, by striking out the word "at" and inserting in lieu thereof "on such debt within"

Amend sec. 10, page 7, line 5, by striking out the words "for further" and inserting in lieu thereof "in"

Amend sec. 10, page 7, lines 5 and 6, by striking out the words "recover the amount of the debt" and inserting in lieu thereof "obtain a deficiency judgment"

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 7, by inserting after line 10, the following section: "Section 11. This act shall be deemed and shall be construed to be a continuation of the provisions of the act approved the seventeenth day of January, one thousand nine hundred and thirty-four (P. L. 243, 1933-1934), entitled 'An act to protect the owners of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period,' and all rights vested, or duties or obligations imposed, or rights forfeited under the provisions of said act, shall be deemed continued, so vested, imposed or forfeited under this act and enforceable under this act, notwithstanding the expiration of said act of January seventeenth, one thousand nine hundred and thirty-four, by its own limitation."

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The eleventh section was read as follows:

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,
Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 11. page 7, line 11, by striking out the figure "11" and inserting in lieu thereof "12"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The twelfth section was read as follows:

Section 12 This act is an emergency measure under the police power of this Commonwealth

On the question,
Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 12, page 7, line 18, by striking out the figure "12" and insert in lieu thereof "13"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The thirteenth section was read as follows:

Section 13 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,
Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 13, page 7, line 20, by striking out the figure "13" and insert in lieu thereof "14"

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

The fourteenth section was read as follows:

Section 14 The provisions of this act shall become effective on July 1 1935

On the question,
Will the House agree to the section?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 14, page 7, line 22, by striking out the figure "14" and insert in lieu thereof "15"

On the question,
Will the House agree to the amendment.
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read as follows:

An Act to protect the obligors or guarantors of bonds and mortgages and others indirectly liable for the payment thereof and owners of property affected thereby by restricting the right to proceed against certain property and persons and limiting the amount of deficiency judgments

On the question,
Will the House agree to the title?

Mr. GREENSTEIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the part-word "gages" the following: "and owners of property affected thereby"

Amend title, page 1, line 3 and 4 of title, by striking out the words "and owners of property affected thereby"

Amend title, page 1, line 5 of title, by striking out the word "and" the second place it appears in said line

Amend title, page 1, line 6 of title, by inserting after the word "judgments" the following: "and continuing rights, duties and obligations established or forfeited under prior laws relating to deficiency judgments"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. BERNHARD asked and obtained unanimous consent to call up out of order House Bill No. 2770, Senate Bill No. 666, Printer's No. 702, on page 31 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2770, (Senate Bill No. 666), as follows:

An Act regulating the used automobile parts business requiring a certificate of approval from the local authorities and a license from the Secretary of Revenue to conduct such business and authorizing the governmental subdivisions of the Commonwealth to restrict such business from certain districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definition "Motor vehicle junk business" or "motor vehicle junk yard" shall include any business and any place of storage or deposit whether in connection with another business or not which displays or in or upon which there are displayed to view from a public highway two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways or old iron metal glass paper cordage or other waste or discarded or second-hand material which has been a part of any motor vehicles the sum of which material shall be equal in bulk to two or more motor vehicles but shall not be construed to include any business or place located in any municipality regulated by zoning or other ordinances

Section 2 Purpose of Act For the purpose of promoting the health safety and general welfare of municipalities and governmental subdivisions in the State for the purpose of conserving the value of buildings and encouraging the most appropriate use of land for the purpose of providing for the public health comfort and general welfare in living and working conditions for the purpose of facilitating highway development and transportation and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstruct progressive improvements in such municipalities and governmental subdivisions the proper authorities of any city borough town or township in addition to other powers conferred by law upon such cities boroughs towns or townships or the respective officials thereof are authorized to enact ordinances or resolutions creating restricted districts within which any motor vehicle junk business shall not be permitted to be established provided in any city borough town or township having a duly established zoning commission or planning commission or board such zoning commission planning commission or board shall have the authority to create such restricted districts by the adoption of appropriate rules orders or regulations

Section 3 Certificate of Approval from Local Authorities No person firm or corporation shall establish operate or maintain a motor vehicle junk yard or motor vehicle junk business unless a certificate of approval of the location to be used therefor has been procured from such authorized local officials certifying that such location is not within a duly established district restricted against motor vehicle junk yards or motor vehicle junk business and a license to establish or maintain such a yard or such a business obtained from the said Secretary of Revenue of motor vehicles as hereinafter provided

Section 4 Application for Certificate Hearing Application for such certificate of approval shall be made in writing to the authorized local officials zoning or planning commission or board as the case may be and unless the location for such junk yard or business shall be within a restricted district established as provided in section two of this act such local officials commission or board shall assign a hearing upon such application to be held within the municipality in which such location is situated not less then two nor more than four weeks from the date of the receipt of such application Notice of such hearing shall be sent to such applicant by mail postage paid to the address given on such application to the Secretary of Revenue and by publication once in a newspaper having a circulation within such municipality not less than seven days before the date of such hearing Said local officials commission or board in considering such application shall take into account the nature and development of surrounding property the proximity of churches schools hospitals public buildings or other places of public gathering the sufficiency in number of other such yards or businesses in the vicinity the health safety and general welfare of the public and the suitability of the applicant to establish maintain or operate such yard or business and to receive a license therefor Each applicant for such certificate of approval shall pay a fee of twenty-five dollars together with the costs of the publication of such notice and the reasonable expenses of such hearing to the treasurer of such municipality

Section 5 Secretary of Revenue may Impose Conditions The Secretary of Revenue or his representative shall examine the location or proposed location of each motor vehicle junk yard or business adjacent to any highway and said Secretary may make reasonable general regulations concerning and applicable alike to the establishment operation or maintenance of all such yards or businesses as shall be essential to the safety and general welfare of the public and no license for any such yard or business shall be issued until such regulations have been complied with Upon violation of any of the regulations established under the provisions of this section the Secretary of Revenue after notice to such violator and giving him opportunity to be heard may revoke the license issued or any renewal thereof

Section 6 Examination and License Fee Upon receiving such certificate of approval each applicant for a motor vehicle junk yard or motor vehicle junk business license shall present such certificate to the Secretary of Revenue together with a fee of twenty-five dollars for the examination of the location or proposed location of each such motor vehicle junk yard or business adjacent to a trunk line or State-aid highway and shall pay a license fee to said Secretary for each motor vehicle junk yard or business of twenty-five dollars if the land used or to be used for such yard or business shall be five acres or less and fifty dollars if such land be in excess of five acres Upon receipt of such certificate of approval the payment of the required license fee and observance of regulations required such license shall be issued by the Secretary of Revenue for the period ending the thirtieth day of September next following Any license may be renewed from year to year upon payment of the same fee as required for the original license The holder of a license issued in accordance with the provisions of this act shall certify to said Secretary of Revenue upon the sale by him of any motor vehicle that at the time of such sale such motor vehicle was in suitable condition to be operated upon the highways or not as the case may be

Section 7 Publications of Ordinances Etc Any resolution ordinance order rule or regulation creating a re-

stricted district or districts within which any motor vehicle junk yard or business shall not be located or established under the provisions of this act shall forthwith be filed with the clerk of the municipality and said clerk shall within ten days thereafter cause such resolution or ordinance to be published once in such municipality

Section 8 Appeal Any person firm or corporation aggrieved by the action of any local officials zoning commission or board taken pursuant to the provisions of this act may within thirty days from the date of the action complained of and upon giving bond in the sum of one hundred and fifty dollars appeal to the court of common pleas of the county within which such city borough town or township is situated and any person firm or corporation aggrieved by any action of said Secretary of Revenue or his authorized representative taken pursuant to said provision may within said time of thirty days and upon giving such bond appeal to the court of common pleas of Dauphin County in the same manner as is provided for appeals in civil actions Upon any such appeal said court shall make such order in relation to the action appealed from as it may deem equitable

Section 9 Penalties Any person or any officer or agent of any firm or corporation who shall establish operate or maintain a motor vehicle junk yard or motor vehicle junk business in any location within a restricted district created under the provisions of this act or shall establish operate or maintain such junk yard or business without procuring such certificate of approval from the local officials and holding a license therefor or shall violate any provision of this act shall upon summary conviction thereof be fined not more than twenty-five dollars or imprisoned not more than thirty days or both each day of such establishment operation or maintenance in violation hereof shall constitute a separate offense In addition to the penalties hereinbefore prescribed the Secretary of Revenue or the local officials commission or board upon a violation of any of the provisions of this act may petition the court of common pleas of the county where such yard or business is located to enjoin a further operation or maintenance of such yard or business and to abate the same as a public nuisance Such court in any such action may upon finding such yard or business has been established operated or maintained in violation of the provisions of this act issue such injunction as it shall deem equitable and make such order for the discontinuance or abatement of such yard or business as a nuisance as it shall find necessary

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BERNHARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HOMER S. BROWN. Mr. Speaker I would like to interrogate the gentleman from Carbon, Mr. Bernhard.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. BERNHARD. Mr. Speaker, I will.

Mr. HOMER S. BROWN. Mr. Speaker, I understand that the gentleman wishes this bill to be recommitted to the Committee on Ways and Means, is that correct?

Mr. BERNHARD. Mr. Speaker, that is correct.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman why he wishes this bill recommitted to the Committee on Ways and Means.

Mr. BERNHARD. Mr. Speaker, at the request of a number of my constituents.

Mr. HOMER S. BROWN. Mr. Speaker, may I ask the gentleman another question? Do you believe that the Committee on Ways and Means can deal more properly with this bill than the Committee on Judiciary Special, out of which the bill came originally to the House?

Mr. BERNHARD. Mr. Speaker, I believe the Committee on Ways and Means can consider this bill as good as any other Committee.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Aeronautics will meet in the Conference room immediately after this session.

The Committee on Education will meet immediately after this session in room 326.

The Committee on Highways will meet immediately after this session in room 324.

The Committee on State Government will meet immediately after this session in room 323.

RECESS

The SPEAKER, If there are no objections the Chair is about to declare a recess until 4.00 P. M. Are there objections? The Chair hears none and declares a recess until 4.00 P. M.

AFTER RECESS

The House reconvened at 4.00 P. M.

The SPEAKER. (Wilson G. Sarig) in the Chair.

REPORTS FROM COMMITTEES

Mr. RINN, from the Committee on Highways, reported as committed House Bill No. 1298 (Senate Bill No. 102), entitled:

An Act authorizing the Department of Highways to pay damages heretofore occasioned as a result of the destruction of private property by fire and making an appropriation therefor.

Mr. ROBINSON, from the Committee on State Government, reported as committed House Bill No. 3005, (Senate Bill No. 1392), entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended qualifying additional securities as acceptable for the securing of State deposits.

Mr. SHEPARD, from the Committee on Education, reported as committed House Bill No. 2915, (Senate Bill No. 1248), entitled:

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination.

Mr. HETRICK, from the Committee on Highways, reported as committed House Bill No. 3018, (Senate Bill No. 1509), entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue and defining its powers and duties.

Mr. HARKINS, from the Committee on Education, reported as committed, House Bill No. 3021, (Senate Bill No. 1539), entitled:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the rights to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

Mr. SOWERS, from the Committee on Ways and Means, reported as committed, House Bill No. 3028, (Senate Bill No. 1602), entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

Mr. SHORTZ, from the Committee on Highways, reported as committed, House Bill No. 2903, (Senate Bill No. 1230), entitled:

An Act to amend Route Seventy-seven of section six of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff or assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, boroughs, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State Highways; making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as amended, House Bill No. 3031, (Senate Bill No. 1425), entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws.

Mr. GERARD, from the Committee on Highways, reported as amended, House Bill No. 981, (Senate Bill No. 36), entitled:

An Act to amend section four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the

maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act;" authorizing the Secretary of Highways to assume the obligation to reconstruct, improve and maintain certain city bridges and viaducts.

Mr. EBERHARTER, from the Committee on Judiciary General, re-reported as committed, House Bill No. 2260, (Senate Bill No. 441), entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases.

Mr. HINDMAN, from the Committee on Education, reported as committed, House Resolution No. 173.

BILLS ON FIRST READING

Pursuant to the motion of today that all bills reported from committee be read, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1298, (Senate Bill No. 102), entitled:

An Act authorizing the Department of Highways to pay damages heretofore occasioned as a result of the destruction of private property by fire and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3005, (Senate Bill No. 1392), entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended qualifying additional securities as acceptable for the securing of State deposits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2915, (Senate Bill No. 1248), entitled:

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3018, (Senate Bill No. 1509), entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue and defining its powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3021, (Senate Bill No. 1539), entitled:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the rights to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3028, (Senate Bill No. 1602), entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2903, (Senate Bill No. 1230), entitled:

An Act to amend Route Seventy-seven of section six of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the ap-

pointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff or assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, boroughs, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State Highways; making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3031, (Senate Bill No. 1425), entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued costs extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 981, (Senate Bill No. 36), entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" authorizing the Secretary of Highways to assume the obligation to reconstruct improve and maintain certain city bridges and viaducts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT OF THE COMMITTEE INVESTIGATING EMERGENCY RELIEF IN WESTMORELAND COUNTY

Mr. DENT offered the report of the Committee to investigate Emergency Relief in Westmoreland County.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1702.

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Bill, Section 2, page 3, line 22 by striking out after the word "fine" the words "not exceeding" and inserting in lieu thereof the word "of";

Amend Section 3, page 4, line 3, by inserting after the word "Commonwealth" the following: "upon petition to the county commissioners By the city or borough council or by the township commissioners or supervisors or upon petition to County Commissioners by electors equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding

general election"; also line 4, by inserting after the word "Commonwealth" the words "so petitioning"; also line 19, by striking out at the beginning of the line the words "the county" and inserting in lieu thereof the words "each municipality"

Amend Section 4, page 5, line 7 by striking out after the word "municipality" the words "within the county" and inserting in lieu thereof the word "affected"; also line 9 by inserting after the figures "(1935)" the words "where any such election was held"; also line 17, by striking out after the word "the" the word "hours" and inserting in lieu thereof the word "hour"; also line 24 by inserting after the word "exhibitions" the words "or if no such election was held";

Amend Section 5, page 6, line 11, by striking out at the beginning of line the word "office" and inserting in lieu thereof the word "candidate"; also line 22 by inserting after the word "which" the words "motion picture exhibitions"; also line 22 by striking out after the word "permitted" the words "motion picture exhibitions"; also page 7, line 3, by striking out after the word "not" the word "hitherto" and inserting in lieu thereof the word "heretofore"; also line 4, by inserting after the word "Sunday" the words "or which has not theretofore voted on such question";

Amend Section 7, page 7, line 29, by striking out at the beginning of line the words "not more than";

Amend Section 9, page 8, line 23, by inserting after the word "thereto" the words "All acts and parts of acts inconsistent herewith be and the same are hereby repealed".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—122

Andrews,	Downey, J. J.,	Kobelak,	Root,
Baine,	Eberharter,	LaRue,	Ruffennach,
Baker, J. J.,	Eroe,	Linderman,	Ruth,
Baldi,	Falkenstein,	Long,	Sarraf,
Barber,	Ferko,	Lovett,	Scanlon,
Barnhardt,	Finnerty,	Mallen,	Schrope,
Bernhard,	Fitch,	Mentzer,	Schwartz,
Blumberg,	Flanagan,	McDevitt,	Shaw,
Boyd, R.,	Flynn,	McDermott,	Shepard,
Boyer,	Forrest,	McElroy,	Shreiner,
Bradley,	Furman,	Melchiorre,	Shugarts,
Brancato,	Gerard,	Mentzer,	Sowers,
Brown, H. S.,	Green,	Mooney,	Sproul,
Brumbaugh,	Greenstein,	Moore,	Stank,
Burke,	Haberlen,	Moran,	Stevens,
Cannon,	Hagerty,	Munley,	Tahl,
Caputo,	Haluska,	Nothnagle,	Tronzo,
Carr,	Hamilton, F. P.,	O'Keefe,	Tumelty,
Castor,	Hamilton, R. S.,	Ominsky,	Turner,
Chervenak,	Harkins,	O'Neill,	VanAllsburg,
Cochran,	Harmuth,	Patterson, C.,	Wasserman,
Cohen,	Hefferon,	Patterson, J. W.,	Weidemann,
Coleman,	Hirsch,	Pearson,	Weiss,
Condon,	Holland,	Perry,	Welsh,
Conner,	Holstrom,	Peters,	Westrick,
Coolahan,	Hoopes,	Pfaff,	Winner,
Cordier,	Jackson,	Phillips,	Witkin,
Davies,	Kane,	Piole,	Yourishin,
Denning,	Kelder,	Powers,	Zappala,
Dent,	Kilroy,	Reynolds,	Sarig,
Downey, G. E.,	Kinney,	Rooney,	

NAYS—80

Achterman,	Habbyshaw,	Muir,	Snyder, J. L.,
Alexander,	Hart,	Murrin,	Spangler,
Allen,	Hartman,	Nagel,	Stewart,
Altenburg,	Hermansen,	Panton,	Stockham,
Arnold,	Hetrick,	Parks,	Stone,
Atkins,	Hindman,	Reising,	Stott,
Aukerman,	Hoffner,	Rhys,	Sumney,
Boose,	Horst,	Rinn,	Surface,
Brennan,	Jones,	Roan,	Terry,
Brown, J. E.,	Kelso,	Robinson,	Trout,
Brownfield,	Klingler,	Schrock,	VanSickle,
Carson,	Longaker,	Schwab,	Walker,
Coakley,	Lynch,	Shortz,	Wall,
Decker,	Male,	Siegel,	Welliver,
Diehl,	McCreary,	Simpson,	White,
Dilley,	McHenry,	Sinwell,	Wickersham,
Duffort,	McKinney,	Sloan,	Wood,
Flinchbaugh,	Merrell,	Smith, J. A.,	Woodside,
Gates,	Moomaw,	Smith, W. G.,	Yeakel,
Gillette,	Moul,	Snyder, F. E.,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 299.

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 363.

An Act making appropriations to the Pennsylvania Museum and School of Industrial Art Philadelphia

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 963.

An Act making appropriations to the Trustees of the University of Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 665.

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College" and making appropriations for carrying the same into effect

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2485.

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways in townships or boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with townships boroughs counties and railroad companies and making an appropriation

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY THE SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2050.

An Act to amend the Act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 450) entitled "An Act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocation made with the consent of the county and also for the construction of sidewalks

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2053.

An Act to amend routes numbers six hundred thirty-nine and seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representaives numbered and entitled as follows:

HOUSE BILL No. 2380.

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 329

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 329, Printer's No. 62, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. BERNHARD. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. BERNHARD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BERNHARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 704, page 2, line 22 by inserting after the word "use" and before the word "any" the following: "or to use"

Amend section 704, subdivision (f), page 5, line 20 by striking out at the end of the line after the word "vehicle" the following: "[for the transportation of game illegally killed]" and inserting in lieu thereof the words: "or its lights or equipment for the killing"

Amend section 704, subdivision (f), page 5, line 21 by striking out after the word "or" and before the word "of" the word: "[capturing]" and inserting in lieu thereof the word: "catching"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 173.

An Act making appropriations to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

Mr. COHEN. Mr. Speaker I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 155.

An Act making appropriations to the Moore Institute of Art Science and Industry Philadelphia School of Design for Women at Philadelphia Pennsylvania

Mr. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 295.

An Act making an appropriations to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

Mr. COHEN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

JOINT COMMITTEE TO STUDY RELIEF AGENCIES

Mr. SPROUL offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted.

In the House of Representatives, June 18th, 1935.

The Commonwealth of Pennsylvania has during the past few years, to an ever increasing extent, recognized its obligation to the weak and the unfortunate, in the form of appropriations of vast sums of money.

These moneys are distributed, and the various systems of aid and relief are administered, by numerous separate, and sometimes wholly unrelated, agencies, resulting in an unncessarily heavy overhead expense, and at times in overlapping and duplication of efforts. In addition, local political subdivisions have from earliest times, administered local poor relief, and, more recently, mothers' assistance, therefore be it

Resolved (if the Senate concur), That a committee be created to consist of nine members, three of whom shall be appointed by the Speaker of the House of Representatives, three by the President pro tempore of the Senate, and three by the Governor. The committee shall organize on the call of the Governor, and shall select a chairman and a secretary from among its number. The duties of the committee shall be to make a study of the various administrative systems for the distribution of public funds for unemployment relief, poor relief, mothers' assistance, old age assistance and assistance to the blind, with a view to (1) correlate the efforts of the various existing agencies, (2) prevent duplication of effort, and (3) consider, as bearing upon public aid, the efforts of private agencies.

Resolved, That the committee shall make a report to the next general session of the Legislature. Such report shall include the recommendations of the committee, together with drafts of such legislation as the committee shall deem beneficial.

Resolved, That the committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 814, entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the fur-bearing animal class to the vermin class.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SURFACE. Mr. Speaker and members of the House, when I first came here and saw the immense array of gigantic legal talent and heard the addresses of these legal members, I felt like a pigmy in a forest of giants, but when I later found out that their knowledge was confined to their limited sphere as I was confined to my own and that they knew no more of mine than I did of theirs, and that while they had been studying legal subjects, I had been studying the phenonmena of nature, I felt

a little more at home. Then, when I was called upon to defend the eel and the eel bill and made a little address on the subject of eels, some members possibly thought, "My, what a lot Surface knows about eels. He must have been studying them all his life." Well, perhaps that is a misapprehension too. For many years I was economic zoologist in the Department of Agriculture and at that time prepared more literature upon the habits of animals and upon the flora of this state than any other person has ever published and some of the knowledge that I prepared for the public at that time still remains with me.

I want to say, in the first place, that I fear we have been given to a great deal of frivolous legislation, and I feel that perhaps we are living in the age of the comic strip. I wonder how many persons, if we had an honest confession about it, would know more about the fate of Orphan Annie than they would about the editorials appearing in the paper? Nevertheless it is well to stop for a while and learn about some of the things other than those which we are studying. I think that we are in need of a lesson in economic zoology and I shall deliver the same, keeping in mind the injunction of our very capable Speaker that we shall be brief. In five minutes I can give you two hundred dollars worth, or in ten minutes twice that, according to the estimate of forty dllars a minute. When you feel you have got your money's worth, you can tell me by jingling your ink wells or kicking your spitoons, and I shall feel no offense. I shall take it as a signal that you have got your money's worth, but remember "small jugs are soon filled."

In this region, Mr. Speaker and members of the House, there are several of God's natural made creatures living around us of which we know almost nothing. In this group are the bats. I saw a bat in the room here the other night, and a number of persons were trying to knock down the flying creature. Some people think that if a bat gets in their hair, it will have ruinous results and others think that bats carry bed bugs.

The bat, the skunk, the mole, the shrew and voles, there is something just briefly to be said about each, to show you who have been giving your time and your thought to legal subjects entirely have missed some of the opportunities of learning something about this subject. Take bats, for instance, it is the common belief that they carry bed bugs. That is absolutely erroneous and yet that is the common belief. The subjects of skunks, of which I shall speak specifically and more particularly in a few minutes, is one of very great interest, because of their peculiar means of self-defense. and it is almost universally believed that it is the urine of the skunk that produces the odor, which is not at all true. Take also the case of the mole: it is commonly said that moles are tree girdlers in areas occupied by fruit trees. I have had many, many persons write me about it, stating that fruit trees have been girdled by moles. No moles in this country have ever girdled a fruit tree and never will because that is not their habit.

About the shrews: About all that some persons know about the shrew is that Bill Shakespeare or some other writer made mention of it in "The Taming of the Shrew."

As to voles, I wonder how many of you would know one if you met it coming down the street. Yet they are the most destructive of common mammals found in this region. They are commonly called the short-tailed meadow mouse or Microtus pennsylvanicus, to give it the scientific name, but I will excuse you as students of my class from stopping to learn these scientific names this afternoon.

My attention has been twice called during the week to how little people know about skunks, by prominent persons speaking about skunks to me: "Oh, yes; I know all about skunks. They feed chiefly on eggs." If that were true, what would they do during the several months when no eggs were available. Nature doesn't do business that way, and I can say, too, that the skunk is neither an odious nor an odorous aninal. It is a peaceful, quiet creature that never attacks until it is first attacked or believes it is attacked. Among the most useful of all creatures in this region is the skunk. We must acknowledge, Mr. Speaker, that the spray pump has failed as a means of controlling insect pests. I mean to say that it is entirely impossible for one to go out on the farm and control insect pests with a spray pump alone. It is absolutely necessary for him to call to his aid other factors, such as the birds, for instance, the woodpeckers that go after the insects in the trees, which can not be reached by the spray gun. The skunks go after the insects that live in the ground.

Go out along a pasture field and you will see in the morning a number of little holes dug down into the ground indicating where the skunks have been busy getting their early breakfast. The largest of these is army worm and other pests of the insect army that the spray pump can not reach.

Each of these various creatures is placed here in accordance with the great Divine plan to perform its function in its own sphere.

"Each moss, each shell, each crawling insect in the dust holds rank important in the plan, holds rank which, if lost, would break a chain and would leave behind a gap that Nature herself would rue."

Go along the hill side in the morning and there will be stones the size of a man's hand turned over, a great many of them. There the skunk has been at work through the night time devouring insects concealed beneath the stone. I have examined the excreta of skunks time and time again and have invariably found it to be composed entirely of indigestible fragments of insects.

Let me also call to your attention the value of the pelts of the skunks as a commercial article. There is only one animal that yields a greater return in value and that is the muskrat. During some years the muskrats have yielded over one million dollars in pelts in one season and the skunks almost one million dollars in pelts in one season. Let us remember that this is money that is returned to the farmer's boy, the lad who needs to earn his shoes and stockings, the lad who must pick up his living in a manner as best he can. He goes out and sets his traps and traps the muskrats and the skunks, and notwithstanding this they seem to be creatures that can stand persecution and still survive. All that is necessary to kill them is to introduce a little piece of raw meat containing strychnine. Occasionally they get into the poultry yard, but the damage that is involved there isn't one percent of the great good they do during the year.

I want to say that the Grange is back of me in this movement to protect the skunk. I have a letter on my desk from Mr. John H. Light, secretary of the Grange, in which he asks me to stress the economic value of the skunk, because of their great value as destroyers of insects.

I urge your help this afternoon to help the defenceless skunk. because it is practically defenceless except in one regard, by voting "no" on this bill.

Mr. MOUL. Mr. Speaker and members of the House, I assure you that I do not want to take up a great deal of your time. However, I feel that it is my duty to answer my colleague, Mr. Surface.

I have the very highest respect for his opinion, but I want to remind the members of this House that I, too, have been educated as a scientist and for years taught biology, the subject about which he spoke, but I am not going to take your time talking about biology nor of moles; I am going to bring you right down to the skunk proposition. While I will admit that there is some economic value to the skunk and that he does act as a protector, to a certain extent, for the farmer against insects, yet he will only be that as long as he has a sufficient food supply. When a family of skunks is so large that there is no longer a sufficient supply of bugs, that family will become a robber of other things in the community. We have in the southeastern section of Pennsylvania at the present time a condition that has become rather serious to the farmers in that the skunk population, due to the fact that the pelt of the skunk is now very low in price, has increased to such an extent that the skunk no longer has a sufficient food supply in the normal channels in which he feeds and it comes to the point where he has started to rob henhouses, whenever that is possible. If that is the case, then it is only reasonable to suspect that the skunk has not only gone in and robbed the henhouse, but he has also undoubtedly gone out after pheasant, after quail, after birds and other natural friends of the farmer, who also eat bugs and protect the farmer against the farmer's enemies in the field.

Now, you may be under the impression, and I believe that gentleman from Snyder is under the impression that under this bill we are attempting to eliminate the skunk from the state. That is not the function of this bill. The intent of this bill is merely to permit the farmers and others in the communities where the skunk has become a nuisance to kill the skunk when he has become a nuisance, I want to call your attention to the fact that up until nineteen hundred and twenty-three the skunk was not a protected animal in the State of Pennsylvania, and at that time skunk pelts were sold for as much as eight dollars a piece. At that time he was really of value to the farmer boy who was willing to trap him at that figure, but at the present time I want to remind you of the fact that the pelts are selling for from sixty to eighty cents, and I ask any member of this House if he would be willing to trap any skunk at sixty to eighty cents. I might also remind you that while the farmers in our section are in favor of this regulatory measure, the Sportmens' Federation of Pennsylvania, since this bill has been introduced, has also gone on record as being in favor of this measure as a protector of game. This was not originally put out as a sportsmen's bill, but it was put out as a protection for the farmer, to curb the number of skunks in his territory if he saw fit so to do.

One other thing and I am through. Under the present law, if you have one of these beautiful "kitties" come around your premises and he becomes a nuisance and he goes into your cellar, you are not permitted to kill that skunk. One of our members told me today that in his territory—I believe within the last year—a farmer boy was arrested and jailed for killing a number of skunks in his territory out of season.

We are not trying to exterminate the skunk, we are simply trying to put him in such a position that when he becomes a nuisance you will be permitted to kill him and get him out of the way.

We urge you to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—114.

Alexander,	Eberharter,	Kilroy,	Patterson, J. W.,
Allen,	Falkenstein,	Klingler,	Pfaff,
Andrews,	Finnerty,	Kobelak,	Piole,
Arnold,	Fitch,	LaRue,	Reynolds,
Aukerman,	Flanagan,	Linderman,	Rhys,
Baine,	Flinchbaugh,	Long,	Rinn,
Barnhardt,	Furman,	Longaker,	Roan,
Bernhard,	Gates,	Lovett,	Schrope,
Boose,	Gerard,	Mallen,	Schwab,
Boyer,	Gillette,	McCreary,	Schwartz,
Brennan,	Green,	McDermott,	Shaw,
Brown, H. S.,	Greenstein,	McDevitt,	Shepard,
Brownfield,	Habbyshaw,	McElroy,	Shugarts,
Burke,	Haberlen,	McHenry,	Siegel,
Cannon,	Hagerty,	Moomaw,	Simpson,
Carson,	Haluska,	Mooney,	Sloan,
Castor,	Hamilton, F. P.,	Moore,	Smith, J. A.,
Chervenak,	Hamilton, R. S.	Moran,	Smith, W. G.,
Coakley,	Harkins,	Moul,	Stank,
Cochran,	Harmuth,	Munley,	Stevens,
Cohen,	Holland,	Murrin,	Stone,
Coleman,	Holstrom,	Nagel,	Tronzo,
Coolahan,	Hoopes,	O'Keefe,	Tumelty,
Denning,	Horst,	Ominsky,	Weiss,
Dent,	Jackson,	O'Neill,	Westrick,
Diehl,	Kane,	Panton,	Yourishin,
Dilley,	Kelder,	Parks,	Zappala,
Downey, G. E.,	Kelso,	Patterson, C.,	Sarig,
Downey, J. J.,			

NAYS—56.

Altenburg,	Hindman,	Reising,	Trout,
Baldi,	Hirsch,	Schrock,	Turner,
Blumberg,	Hoffner,	Shreiner,	VanAllsburg,
Boyd, R.,	Jones,	Sinwell,	Walker,
Bradley,	Kinney,	Snyder, F. E.,	Wall,
Brown, J. E.,	Lynch,	Snyder, J. L.,	Wasserman,
Conner,	Male,	Sowers,	Welliver,
Cordier,	McKinney,	Spangler,	Wickersham,
Davies,	Merrell,	Stockham,	Winner,
Decker,	Muir,	Stott,	Witkin,
Duffort,	Nothnagle,	Sumney,	Wood,
Ferko,	Perry,	Surface,	Woodside,
Forrest,	Peters,	Tahl,	Yeakel,
Hermansen,	Phillips,	Terry,	Zimmerman,
Hetrick,	Powers,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2755, entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" extending the provisions of said act to certain other contracts and retirement pensions and increasing the amount to be so exempt

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 370, as follows:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses lands lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all real estate owned or possessed by any public service companies except the superstructure of the roads of railroads and street railway companies and the lands upon which same are located and except the lines and pipes of companies used for the transmission of water electric power messages oil natural and artificial gas and the lands upon which the same are located and except the producing wells and natural gas producing lands and leaseholds of natural gas companies engaged in public service and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except and occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities.

On the question,

Will the House agree to the motion?

Mr. HOLLAND. Mr. Speaker, I am surprised at this late state that a member of this House would ask to recommit this bill. I think that you owe it to your constituents to pass this bill and save some of the taxes that the utilities of Pennsylvania are getting by with now. The state taxes the manufacturers, but the utilities have come through this depression unscathed.

I ask the members of the House to vote down this

motion and keep this bill upon the House calendar and make the members vote so that they can show the people back home how they stand on the utilities.

On the question recurring

Will the House agree to the motion?

The SPEAKER declared the "ayes" appear to have it,

Whereupon, a division was called for, one hundred and three members voting in the affirmative, and fifty-five in the negative, the question was determined in the affirmative, and the motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 205, as follows:

An Act providing for liens in favor of the Commonwealth and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity and furnishing therein care treatment and maintenance to persons injured in accidents upon the rights of action claims or demands of such injured persons against other persons corporations partnerships and other unincorporated associations whatsoever for damages on account of the negligence causing the injuries and upon the proceeds of the settlement of any such claims or demands providing for the entry recording release and discharge of such liens and imposing duties upon prothonotaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania and every charitable association corporation or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or private charity shall be entitled to a lien upon any and all rights of action suits claims counterclaims or demands of any person admitted to any such hospital and receiving care treatment and maintenance therein on account of any personal injuries received in any accident as a result of the negligence of any other person corporation partnership or other unincorporated association which any such injured person may or shall have assert or maintain against any such other person corporation partnership or other unincorporated association for damages on account of such injuries for the amount of the charges of such hospital for such care treatment and maintenance

Section 2 The lien created by section one of this act shall attach to but shall not exceed fifty per centum of any verdict report decision decree award judgment or final order made or rendered in any action or proceeding in any court of record of this Commonwealth in any suit action or proceeding brought by such injured person or by the persons entitled to recover damages for any injuries causing death in case of deaths as a result of such injuries against any other person corporation partnership or other unincorporated association for the recovery of damages on account of injuries received in any such accident as well as to not more than thirty-five per centum of the proceeds of any settlement thereof or the settlement of any such claim or demand affected by any such injured person with any other person corporation partnership or other unincorporated association whose negligence is claimed or alleged to have been the cause of the said accident or affected with any other person corporation partnership or other unincorporated association on account thereof

Section 3 No release of any claim or demand on account of any such injuries or in respect of any such verdict report decision decree award judgment or final order made or rendered as hereinbefore mentioned executed by such injured person or by the persons entitled to recover damages for any injuries causing death shall be valid or effectual between the parties thereto or otherwise unless prior to the execution and delivery thereof all such hospital charges as to which a lien is provided in Section two hereof be paid or adjusted and unless such release shall also have been executed by the properly designated officers of the Commonwealth acting through the Department of Revenue charitable association corporation or other institution maintaining such hospital and every such verdict report decision decree award judgment or final order shall remain in force and effect until all such hospital charges shall have been paid or adjusted as provided in Section two hereof

Section 4 Every prothonotary shall at the expense of the county provide a suitable well-bound book to be called the hospital lien docket in which upon the filing of any lien claim under the provisions of this act he shall enter the name of the injured person the date of the accident and the name of the claimant and the said prothonotary shall make a proper index of the same in the name of the injured person and said prothonotary shall be entitled to twenty-five cents for filing each claim and at the rate of twenty-five cents per one hundred words or fraction thereof for such entry made in such lien docket and fifteen cents for every search in the office for such claim

Section 5 To discharge the lien evidenced by any notice filed under the provision of Section three of this act the Commonwealth acting through the Department of Revenue or the charitable association corporation or other institution maintaining such hospital acting through its properly designated officers shall file in the office of the county where said notice has been filed a certificate to the effect that such lien for treatment care and maintenance has been duly paid or adjusted as provided in this act or released and authorizing the prothonotary of the county in whose office said notice of lien has been filed to discharge the same and thereupon such prothonotary shall enter upon the margin of the hospital lien docket in which the said lien notice has been entered a memorandum of such filing and the date when such certificate of payment adjustment or release was filed in his office which certificate and entry shall constitute a discharge of the lien For the making of such entry the prothonotary shall receive the sum of fifty cents ($0.50)

Section 6 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included therein

Section 7 All acts and parts of acts inconsistent with this act are hereby repealed

Section 8 This act shall become effective the first day of June one thousand nine hundred and thirty-five

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. TAHL. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. HOLSTROM. Mr. Speaker and members of the House, this bill has been a very important bill to every hospital and institution in the state. It has happened time and time again in the past, where accident patients are brought into the hospital and wards are given to the injured persons that the hospital does not get one cent for the services that they have rendered to the injured patient. This bill gives the hospital the privilege of claiming a part of the award given by the jury to the injured patient, and therefore, it is to the best interest of the Commonwealth and of the hospital that we ap-

propriate the money and pass this bill. Therefore, I ask the members of the House to vote "no" on the motion to recommit.

On the question recurring.

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eberharter,	Longaker,	Schwab,
Alexander,	Eroe,	Lovett,	Shaw,
Allen,	Falkenstein,	Lynch,	Shepard,
Altenburg,	Ferko,	Male,	Shortz,
Andrews,	Finnerty,	Mallen,	Shugarts,
Arnold,	Fitch,	Mason,	Siegel,
Atkins,	Flanagan,	McCreary,	Simpson,
Aukerman,	Flinchbaugh,	McDermott,	Sinwell,
Baine,	Flynn,	McDevitt,	Sloan,
Baker, J. J.,	Forrest,	McElroy,	Smith, J. A.,
Baldi,	Furman,	McHenry,	Smith, W. G.,
Barber,	Gates,	McKinney,	Sowers,
Barnhardt,	Gerard,	Melchiorre,	Sproul,
Bernhard,	Gillette,	Mentzer,	Stank,
Boose,	Green,	Merrell,	Stevens,
Boyd, R.,	Habbyshaw,	Moomaw,	Stewart,
Bradley,	Haberlen,	Mooney,	Stockham,
Brancato,	Hagerty,	Moran,	Stone,
Brennan,	Hamilton, F. P.,	Moul,	Stott,
Brown, H. S.,	Hamilton, R. S.,	Muir,	Sumney,
Brown, J. E.,	Harkins,	Munley,	Surface,
Brownfield,	Harmuth,	Murrin,	Tronzo,
Brumbaugh,	Hart,	Nagel,	Trout,
Burke,	Hartman,	O'Keefe,	Tumelty,
Cannon,	Hefferon,	Ominsky,	Turner,
Caputo,	Hermansen,	O'Neill,	VanAllsburg,
Carr,	Hetrick,	Panton,	VanSickle,
Carson,	Hindman,	Parks,	Walker,
Castor,	Hirsch,	Patterson, C.,	Wall,
Chervenak,	Hoffner,	Patterson, J. W.,	Wasserman,
Coakley,	Holland,	Pearson,	Weidemann,
Cochran,	Holstrom,	Perry,	Weiss,
Cohen,	Hoopes,	Pfaff,	Welliver,
Coleman,	Horst,	Piole,	Welsh,
Condon,	Jackson,	Powers,	Westrick,
Conner,	Jones,	Rinn,	White,
Coolahan,	Kane,	Roan,	Wickersham,
Cordier,	Kelder,	Robinson,	Winner,
Davies,	Kelso,	Rooney,	Witkin,
Decker,	Kilroy,	Root,	Wood,
Denning,	Kinney,	Ruffennach,	Woodside,
Dent,	Klingler,	Ruth,	Yeakel,
Diehl,	Kobelak,	Sarraf,	Yourishin,
Dilley,	LaRue,	Scanlon,	Zappala,
Downey, G. E.,	Linderman,	Schrock,	Zimmerman,
Downey, J. J.,	Long,	Schrope,	Sarig,
Duffort,			

NAYS—17

Blumberg,	Nothnagle,	Reynolds,	Snyder, J. L.,
Boyer,	Peters,	Rhys,	Spangler,
Greenstein,	Phillips,	Shreiner,	Tahl,
Haluska,	Reising,	Snyder, F. E.,	Terry,
Moore,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 220, entitled:

An Act to amend section fourteen of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (P. L. 282) entitled "An act providing for and regulating subject to certain restrictions limitations and liabilities assistance to and the burial of certain aged indigent persons and th administration of this act by the Department of Welfare he trustees who administer mothers' assistance in the several counties, and others making counties liable for certin expenses providing penalties and making an appropration" providing that inmates of almshouses may receive such assistance if otherwise eligible

And said bill having been read at length the third time, considered and agreed to

On the question,

Shall the bill pass finally?

Agreeably to the provisons of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2334, entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1032, entitled:

An Act exempting the net amount not exceeding five thousand dollars payable under life insurance policies from the claims of creditors of the insured or beneficiary

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. REYNOLDS. Mr. Speaker, I would like to ask the sponsor of the bill to explain its provisions.

Mr. WELSH. Mr. Speaker, in replying to the inquiry to the gentleman from Philadelphia, I wish to say that the bill explains itself.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—120

Achterman,	Eroe,	Lovett,	Ruffennach,
Alexander,	Falkenstein,	Lynch,	Ruth,
Allen,	Finnerty,	Male,	Sarraf,
Arnold,	Fitch,	Mason,	Scanlon,
Atkins,	Flanagan,	McDermott,	Schwab,
Aukerman,	Flinchbaugh,	McElroy,	Schwartz,
Baine,	Flynn,	McHenry,	Shaw,
Baker, J. J.,	Furman,	Melchiorre,	Shepard,
Barber,	Gerard,	Mentzer,	Shortz,
Boose,	Haberlen,	Mooney,	Shugarts,
Bradley,	Hagerty,	Moran,	Siegel,
Brancato,	Haluska,	Moul,	Sinwell,
Brown, H. S.,	Hamilton, F. P.,	Munley,	Smith, J. A.,
Brown, J. E.,	Harkins,	Murrin,	Smith, W. G.,
Brownfield,	Harmuth,	Nagel,	Stank,
Brumbaugh,	Hartman,	O'Keefe,	Stevens,
Burke,	Hetrick,	Ominsky,	Stone,
Cannon,	Hindman,	O'Neill,	Sumney,
Caputo,	Hirsch,	Panton,	Tronzo,
Carr,	Holland,	Patterson, C.,	Tumelty,
Carson,	Holstrom,	Patterson, J. W.,	VanSickle,
Coakley,	Hoopes,	Pearson,	Walker,
Cochran,	Horst,	Pfaff,	Weiss,
Cohen,	Kelso,	Piole,	Welliver,
Coleman,	Kilroy,	Powers,	Welsh,
Coolahan,	Kinney,	Reising,	Westrick,
Dent,	Klingler,	Rinn,	Yeakel,
Diehl,	Kobelak,	Robinson,	Yourishin,
Downey, G. E.,	LaRue,	Rooney,	Zappala,
Downey, J. J.,	Long,	Root,	Sarig,
Eberharter,			

NAYS—83

Altenburg,	Gates,	Moomaw,	Sproul,
Andrews,	Gillette,	Moore,	Stewart,
Baldi,	Green,	Muir,	Stockham,
Barnhardt,	Greenstein,	Nothnagle,	Stott,
Bernhard,	Habbyshaw,	Parks,	Surface,
Blumberg,	Hamilton, R. S.,	Perry,	Tahl,
Boyd, R.,	Hart,	Peters,	Terry,
Boyer,	Hefferon,	Phillips,	Trout,
Brennan,	Hermansen,	Reynolds,	Turner,
Castor,	Hoffner,	Rhys,	VanAllsburg,
Chervenak,	Jackson,	Roan,	Wall,
Condon,	Jones,	Schrock,	Wasserman,
Conner,	Kane,	Schrope,	Weidemann,
Cordier,	Kelder,	Shreiner,	White,
Davies,	Linderman,	Simpson,	Wickersham,
Decker,	Longaker,	Sloan,	Winner,
Denning,	Mallen,	Snyder, F. E.,	Witkin,
Dilley,	McCreary,	Snyder, J. L.,	Wood,
Duffort,	McDevitt,	Sowers,	Woodside,
Ferko,	McKinney,	Spangler,	Zimmerman,
Forrest,	Merrell,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 23, entitled:

An Act to further amend sections five hundred and thirty-seven five hundred and thirty-nine five hundred and forty-one five hundred and forty-three five hundred and fifty-six five hundred and fifty-seven and five hundred and fifty-eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for the abolition of the per capita tax and the levying and collection of an occupation tax

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to have the sponsor of the bill explain it and to explain just how this occupation tax works out.

Mr. JONES. Mr. Speaker, the object of introducing this bill was to try to correct the conditions which I found that only the state of Pennsylvania had. I have written to about twenty different states and none of them have a per capita tax. All other taxes, like school taxes, borough taxes, and city taxes, are on an occupational basis. On this per capita tax, the housewife who has no salary, who does her work for love, is taxed the same as a man who has one hundred thousand dollars of a salary. It also taxes the scrub woman the same as it does the millionaire who employs her. My object was to put it on the occupation, so that according to your occupation you would pay it.

In my own district, from my school board, I find that less than thirty percent of the housewives pay their taxes. Then there is seventy percent who do not pay their taxes, and the thirty percent who pay are being discriminated against. In writing to all of the tax collectors of the third class cities, they tell me it is utterly possible to collect but a small amount of this tax.

Ladies and gentlemen of the House, I feel that we as a body should take the threat off the mothers and wives who bear our children and not have the tax collectors threaten to put them in jail and threaten to sell their furniture, which in fact is practically the case with housewives in my own district. I think that the men and women of this House should pass a bill such as this to take that power away from the tax collector so that they cannot threaten our mothers and our wives. Somebody has to pay the wife's tax. In other words, it is a double tax to the married man because he may have to pay for his wife and he may have to pay for his mother and he may have to pay for his daughter. That is the reason I introduced the bill I thank you.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—126

Achterman,	Duffort,	Mooney,	Simpson,
Altenburg,	Eroe,	Moore,	Sinwell,
Andrews,	Flanagan,	Moran,	Sloan,
Atkins,	Forrest,	Muir,	Smith, J. A.,
Baine,	Gates,	Nagel,	Smith, W. G.,
Baldi,	Habbyshaw,	O'Keefe,	Snyder, F. E.,
Bernhard,	Haberlen,	Ominsky,	Snyder, J. L.,
Boyd, R.,	Haluska,	O'Neill,	Spangler,
Boyer,	Hamilton, F. P.	Patterson, C.,	Sproul,
Bradley,	Harmuth,	Perry,	Stank,
Brennan,	Hefferon,	Peters,	Stevens,
Brown, H. S.,	Hermansen,	Pfaff,	Stewart,
Brown, J. E.,	Hirsch,	Phillips,	Stockham,
Brownfield,	Hoopes,	Piole,	Stone,
Brumbaugh,	Horst.	Powers,	Sumney,
Burke,	Jackson,	Reising,	Tronzo,
Cannon,	Jones,	Reynolds,	Trout,
Carson,	Kelder,	Rinn,	Turner,
Castor,	Kinney,	Roan,	VanAllsburg,
Chervenak,	LaRue,	Robinson,	VanSickle,
Coakley,	Linderman,	Rooney,	Wall,
Cohen,	Long,	Root,	Wasserman,
Coleman,	Longaker,	Ruth.	Weiss,
Condon,	Lynch,	Sarraf,	Welsh,
Coolahan,	Maie,	Scanlon,	Westrick,
Cordier,	McCrear,	Schwab,	White
Davies,	McDevitt	Shaw,	Winner,
Decker,	McElroy,	Shepard,	Wood,
Dent,	McKinne,	Shortz,	Woodside,
Dilley,	Mentzer,	Shreiner,	Yeakel,
Downey, G. E.,	Merrell,	Shugarts,	Sarig,
Downey, J. J.,	Moomaw,		

NAYS—38

Alexander,	Eberharter	Hoffner,	Schrock,
Allen,	Falkenstein	Holland,	Schrope,
Arnold,	Ferko,	Holstrom,	Siegel,
Aukerman,	Fitch,	Kelso,	Stott,
Baker, J. J.,	Gerard,	Klingler,	Tahl,
Blumberg,	Greenstein,	McDermott,	Tumelty,
Boose,	Hagerty,	Murrin,	Weidemann,
Brancato,	Hamilton, F. S.	Nothnagle,	Welliver,
Carr,	Harkins,	Patterson, J. W.	Witkin,
Cochran,	Hetrick,	Ruffennach,	Yourishin,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. SHUGARTS. Mr. Speaker, I desire to file the following reason for my vote.

Two years ago I introduced a like bill, but as the House was Republican controlled my bill never came out of Committee to be considered. I therefore vote "Aye."

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1316, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for the reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of Trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executives and administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and ten providing for the preparation and furnishing by the Department of Internal Affairs to county commissioners or boards for the assessment and revision of taxes of model forms for tax duplicates tax bills and tax receipts to be used for tax collection purposes.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—139

Achterman,	Dent,	Kinney,	Rhys,
Alexander,	Diehl,	Klingler,	Rinn,
Allen,	Dilley,	Kobelak,	Roan,
Altenburg,	Downey, G. E.,	LaRue,	Robinson,
Andrews,	Downey, J. J.,	Linderman,	Rooney,
Arnold,	Eberharter,	Long,	Ruffennach,
Atkins,	Eroe,	Lovett,	Ruth,

Aukerman,	Falkenstein,	Lynch,	Sarraf,
Baine,	Finnerty,	Male,	Scanlon,
Baker, J. J.,	Fitch,	Mallen,	Schrope,
Barber,	Flanagan,	Mason,	Schwab,
Barnhardt,	Flinchbaugh,	McCreary,	Schwartz,
Blumberg,	Flynn,	McDermott,	Shaw,
Boyer,	Furman,	McDevitt,	Shepard,
Bradley,	Gerard,	McElroy,	Shugarts,
Brancato,	Haberlen,	McHenry,	Siegel,
Brennan,	Hagerty,	Melchiorre,	Sinwell,
Brown, H. S.,	Haluska,	Mentzer,	Smith, J. A.,
Brown, J. E.,	Hamilton, F. P.,	Moomaw,	Smith, W. G.,
Brownfield,	Harkins,	Mooney,	Sowers,
Brumbaugh,	Harmuth,	Moran,	Spangler,
Burke,	Hartman,	Moul,	Stank,
Cannon,	Hefferon,	Muir,	Stevens,
Caputo,	Hermansen,	Munley,	Stone,
Carson,	Hetrick,	Murrin,	Sumney,
Castor,	Hindman,	Nagel,	Tronzo,
Chervenak,	Hirsch,	O'Keefe,	Tumelty,
Coakley,	Holland,	Ominsky,	VanAllsburg,
Cochran,	Holstrom,	O'Neill,	VanSickle,
Cohen,	Hoopes,	Panton,	Walker,
Coleman,	Horst,	Patterson, C.,	Weiss,
Condon,	Jackson,	Patterson, J. W.,	Welliver,
Conner,	Jones,	Pearson,	Welsh,
Coolahan,	Kane,	Pfaff,	Westrick,
Cordier,	Kelder,	Piole,	Yourishin,
Davies,	Kelso,	Powers,	Zappala,
Decker,	Kilroy,	Reising,	Sarig,
Denning,			

NAYS—54

Baldi,	Hart,	Shortz,	Trout,
Bernhard,	Hoffner,	Shreiner,	Turner,
Boose,	Longaker,	Simpson,	Wall,
Boyd, R.,	McKinney,	Sloan,	Wasserman,
Carr,	Merrell,	Snyder, F. E.,	Weidemann,
Duffort,	Moore,	Snyder, J. L.,	White,
Ferko,	Nothnagle,	Sproul,	Wickersham,
Forrest,	Parks,	Stewart,	Winner,
Gates,	Perry,	Stockham,	Witkin,
Gillette,	Peters,	Stott,	Wood,
Green,	Phillips,	Surface,	Woodside,
Greenstein,	Reynolds,	Tahl,	Yeakel,
Habbyshaw,	Root,	Terry,	Zimmerman,
Hamilton, R. S.	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2399, entitled:

An Act fixing a uniform fiscal year for counties boroughs towns townships and certain school and poor districts and providing such necessary tax tax auditing and financial report provisions as required for the fixing of such uniform year and as result from the change of the fiscal year.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	Male,	Schwartz,
Alexander,	Falkenstein,	Mallen,	Shaw,
Allen,	Ferko,	Mason,	Shepard,
Altenburg,	Finnerty,	McCreary,	Shreiner,
Andrews,	Fitch,	McDermott,	Shugarts,
Arnold,	Flanagan,	McDevitt,	Siegel,
Atkins,	Flinchbaugh,	McElroy,	Simpson,
Aukerman,	Flynn,	McHenry,	Sinwell,
Baine,	Forrest,	McKinney,	Sloan,
Baker, J. J.,	Furman,	Melchiorre,	Smith, J. A.,
Baldi,	Gates,	Mentzer,	Smith, W. G.,
Barber,	Gerard,	Merrell,	Snyder, F. E.,
Barnhardt,	Gillette,	Moomaw,	Snyder, J. L.,
Bernhard,	Green,	Mooney,	Sowers,
Blumberg,	Greenstein,	Moore,	Spangler,
Boose,	Habbyshaw,	Moran,	Sproul,
Boyd, R.,	Haberlen,	Moul,	Stank,
Boyer,	Hagerty,	Muir,	Stevens,
Bradley,	Haluska,	Munley,	Stewart,
Brancato,	Hamilton, F. P.,	Murrin,	Stockham,
Brennan,	Hamilton, R. S.,	Nagel,	Stone,
Brown, H. S.,	Harkins,	Nothnagle,	Stott,
Brown, J. E.,	Harmuth,	O'Keefe,	Sumney,
Brownfield,	Hart,	Ominsky,	Surface,
Brumbaugh,	Hartman,	O'Neill,	Terry,
Burke,	Hefferon,	Panton,	Tronzo,
Cannon,	Hermansen,	Parks,	Trout,
Caputo,	Hetrick,	Patterson, C.,	Tumelty,
Carr,	Hindman,	Patterson, J. W.,	Turner,
Carson,	Hirsch,	Pearson,	VanAllsburg,
Castor,	Hoffner,	Perry,	VanSickle,
Chervenak,	Holland,	Peters,	Walker,
Coakley,	Holstrom,	Pfaff,	Wall,
Cochran,	Hoopes,	Phillips,	Wasserman,
Cohen,	Horst,	Piole,	Weidemann,
Coleman,	Jackson,	Powers,	Weiss,
Condon,	Jones,	Reising,	Welliver,
Conner,	Kane,	Reynolds,	Welsh,
Coolahan,	Kelder,	Rhys,	Westrick,
Cordier,	Kelso,	Rinn,	White,
Davies,	Kilroy,	Robinson,	Wickersham,
Decker,	Kinney,	Rooney,	Witkin,
Denning,	Klingler,	Root,	Wood,
Dent,	Kobelak,	Ruffennach,	Woodside,
Diehl,	LaRue,	Ruth,	Yeakel,
Dilley,	Linderman,	Sarraf,	Yourishin,
Downey, G. E.,	Long,	Scanlon,	Zappala,
Downey, J. J.,	Longaker,	Schrock,	Zimmerman,
Duffort,	Lovett,	Schrope,	Sarig,
Eberharter,	Lynch,	Schwab,	

NAYS—4

Roan,	Shortz,	Tahl,	Winner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2958, as follows:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be administered by the Department of Welfare of this Commonwealth and the Board of Trustees of the Mothers' Assistance Funds of the several counties who when acting under the provisions of this act shall be known as Boards of Trustees of Pension Fund for the Blind

In the event that any county shall not have a Board of Trustees of the Mothers' Assistance Fund because of the failure of such county to have accepted the provisions of the Mothers' Assistance Act the trustees of the Old Age Assistance Fund of the county if any shall have the duties and powers of and shall be the trustees for the Pension Fund for the Blind If there shall be neither a Board of Trustees of the Mothers' Assistance Fund nor a Board of Trustees of the Old Age Assistance Fund in the county the Governor shall appoint a board of trustees composed of seven residents of the county who shall be called a Board of Trustees of Pension Fund for the Blind If at any time thereafter a Board of Trustees of a Mothers' Assist-

ance Fund shall be appointed for such county it shall immediately take over the work of the Board of Trustees of Pension Fund for the Blind and this act shall be administered as in other counties

Any trustees of the Pension Fund for the Blind appointed under the provisions of this section shall hold office for a term of six years or until a Board of Trustees of the Mothers' Assistance Fund has been appointed in their county

The Department of Welfare shall have the power and its duties shall be to set up rules and regulations for the administration of this act with the approval of the Welfare Commission

Section 2 Such supervisors and assistants as shall be necessary to exercise general supervision over the administration of this act shall be appointed by the Secretary of Welfare subject as in other cases to the approval by the Governor of the number and compensation of such supervisors and assistants

Section 3 The boards of trustees in the several counties shall appoint such additional investigators and clerical assistants as may be necessary to enable them to distribute pensions for the blind in their respective counties but as far as possible the investigators engaged in the administration of the Mothers' Assistance Law shall also perform the work necessary for the administration of this act At no time shall the additional expense of administering this act in any county exceed in amount six per centum of the allocation to such county from the appropriation for pensions for the blind

Section 4 Subject to the provisions and under the restrictions contained in this act every blind person who (a) has attained the age of twenty-one years or upwards (b) has three-sixtieth or ten-two hundredths or less normal vision (c) has resided in the Commonwealth for at least five years during the nine years immediately preceding his or her application for a pension and has resided therein continuously for one year immediately preceding the application and (d) is not at the date of making application an inmate of any prison jail insane asylum or any other public reform or correctional institution shall be entitled to receive from the Commonwealth a pension of thirty dollars ($30) per month Provided That any blind person with an actual income of twelve hundred dollars ($1200) or upwards and any blind person having real property with an assessed valuation of over five thousand dollars ($5,000) is not entitled to such pension And provided further That where a blind person has an income of less than twelve hundred dollars ($1200) per year the pension shall be fixed in such amount so that the combined income and pension shall not exceed twelve hundred dallars ($1200) a year No person shall be denied a pension because of the fact that he or she is not a citizen of the United States In the event that any Act of Congress providing Federal aid towards pensions for the blind requires the recipients to be citizens no such Federal aid moneys shall be expended in the payment of pensions to non-citizens but such persons shall receive pensions out of moneys apropriated by this Commonwealth

Section 5 (a) All applications for pensions under this act shall be made to the Board of Trustees of Pension Fund for the Blind of the county in which the applicant resides in such form as the Department of Welfare may prescribe No application shall be approved until the board of trustees is satisfied after proper investigation that the applicant is entitled thereto under the provisions of this act and particularly not until an ophthalmologist certificated by the American Board of Ophthalmic Examinations or an occulist duly licensed to practice in Pennsylvania and actively engaged in treatment of the human eye shall have certified in writing as to the diagnosis prognosis and visual acuity of the applicant Any individual whose claim for a pension is denied shall be given an opportunity for a fair hearing before the Department of Welfare

(b) Any blind person eligible to or a recipient of a pension for the blind provided for by existing law shall without further stipulation or qualification become eligible to the provisions of this act and if funds are available to provide for payment for the entire biennium pensions shall be payable to additionel applicants Provided That in any case where this act operates to qualify a previously rejected applicant such applicant shall first be entitled t priority and reconsideration

(c) All applications for pensions shall be sworn to o affirmed by the applicant setting forth that all facts a true in every particular

Section 6 The Board of Trustees of Pension Fund fo the Blind of a county may require any recipient o pension hereunder to submit to further examination of hi eyes by a competent ophthalmologist or oculist at suc reasonable times as the board of trustees or the Depart ment of Welfare shall deem necessary unless an ophthal mologic report shows that the recipient is totally or ir revocably blind

Section 7 Before any payment is made to any perso under the provisions of this act a complete report sha be made of all matters stated in the application giving th name of the beneficiary the financial condition of th beneficiary and all other matters which shall be from tim to time required by the Department of Welfare All suc reports shall be made upon forms supplied for the purpos by the Department of Welfare All such reports shall b made in triplicate One copy shall be retained by the loca board of trustees one copy shall be forwarded to the De partment of Welfare and one copy to the Auditor Genera All reports shall be sworn to by the investigator and sha be approved by a majority of the board of trustees

Section 8 If any person receiving a pension under thi act shall refuse or neglect to comply with any reasonabl request of a county board of trustees or of the Depart ment of Welfare for information concerning the qualifica tions for such pension or who shall on request neglect o refuse to authorize any other person firm or corporatio to furnish such information about the pension recipient o who shall refuse to submit to any examination required by this act the board of trustees may suspend all payment to such recipient until he shall have complied with suc requirements

Section 9 If the condition or circumstances of any per son receiving a pension under this act should change i such way that the person does not have all the qualifica tions required to obtain a pension hereunder pension pay ments to such person shall at once cease

Section 10 Any pension when granted shall commence as of the first day of the calendar month following that o which the application was received by the Board of Trus tees of Pension Fund for the Blind

Section 11 (a) All payments under the provisions o this act shall be made monthly direct to the recipient thereof by warrant after requisition as provided by law Provided That the Department of Welfare may appoint a trustee to take charge of the expenditure of the pension granted any applicant when in its opinion such trustee is necessary In such case the payment shall be made direct to such trustee upon requisition of the department Such trustee shall serve without pay and shall be subject to the rules and regulations which the department shall prescribe

(b) It shall be lawful for the Department of Welfare at any time not less than thirty days after the death of the beneficiary to authorize the payment of any grants due to such deceased beneficiary to the wife children father or mother sister or brother (preference being given in the order named) of the deceased beneficiary as the board directs without requiring letters testamentary or of administration to be issued upon the estate of said deceased beneficiary

Section 12 Pensions under this act and all expenses incurred by the Department of Welfare and the Board of Trustees of Pension Fund for the Blind in the administration of this act shall be paid by the Department of Welfare out of moneys made available for this purpose by the Legislature including any moneys contributed by the United States Government for this purpose Allocations of amounts available for pensions shall be made by the Department of Welfare among the several counties according to the number of persons receiving pensions and who are eligible for pensions up to the end of the tenth month of the previous fiscal year Pensions shall be payable to additional applicants only if funds are available to provide for payment for the entire biennium

Section 13 The Department of Welfare is hereby em-

powered and authorized to cooperate and enter into cooperative agreements with and to receive contributions from the United States Government for financial assistance to the blind All contributions received hereunder from the United States Government shall be paid into the State Treasury through the Department of Revenue and credited to the biennial appropriations to the Department of Welfare for the payment of pensions to the blind

Section 14 Any person who by means of a wilfully false statement or misrepresentation or by impersonation or other fraudulent means obtains or attempts to obtain or aids or abets any person in obtaining a pension under this act to which he is not entitled shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one year or both

Section 15 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional such decision shall not affect the validity or any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 16 The act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-six) entitled "An act providing for and regulating subject to certain restriction limitations and liabilities pensions for certain blind persons and the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals and providing penalties" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 17 The members of the respective Boards of Pension for the Blind holding office upon the effective date of this act shall continue in office until the expiration of their terms for which they were appointed unless they are previously removed in the manner provided by law

Section 18 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wassermar
Cohen,	Jackson,	Reising,	Weideman
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickershan
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2319, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining and regulating fish-bait providing additional penalties for possession of fish during closed season providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses declaring unlawful certain methods of fishing fixing license fees for outlines providing for naturalized foreign born resident's licenses and licenses lost or destroyed providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons and extending the right to set aside certain waters for nursery waters.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,

Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2548, entitled:

An Act to amend sections two three and four of the act approved the fifth day of June one thousand nine hundred and thirteen (P. L. 443) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2990, entitled:

An Act regulating the display of the coat-of-arms of the Commonwealth of Pennsylvania on motor vehicles and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, I gather from the preamble of this bill that this is a special privilege in the Democratic way. According to the preamble, it is the abolition of the present administrative system of issuing motor vehicle license plates to favorite persons and issuing them in the Democratic way.

You know that the Governor has said that the people who have had their initials on their license plates and those people who have had their house numbers on their license plates or the year in which they were born, or some other number in which they were interested, may may not have that number anymore because that is a matter of special privilege and it should not be allowed.

In order to carry out the idea of the Governor and abolish the present administrative system of issuing motor vehicle license plates to favored persons, Mr. Habbyshaw and I introduced a bill on February 26, which is known as House Bill No. 1117, which would have permitted the issuance of license plates to those people who would like to have a special number of some sort, if they were the first to apply for that number. It does not give them any privilege, until they are willing to pay for having that number. If that bill had been reported out and had become a law, it would have raised revenue for this Commonwealth to the extent of about one-half million dollars per biennium, but that was the type of special privilege which the Governor felt should not be granted.

n spite of the fact that anybody in the whole Commonvealth, who, would have come in first and paid his money vould have been the one to be issued the license. If policeman comes up and says "You are going too fast", ie won't be able to see the Legislative license plates next rear, or the Judicial license plate or the Official license plate. When he comes around to the side door you can point out and say that you have a seal on the door, but you want to be careful if you put a seal on the door next rear, and you do not take the seal off in December, if you happen not to be a member coming here again, and probably a good many of you won't, then you would have o pay ten dollars a day fine. So be sure that you get he seal off the day that you go out of office.

I think there might be another way of getting around his special privilege, and that is to change the color of he cards, the legislative cards, that are given, so that hey will be the same color as operator's license. We might be able to pull that out of our pocket and show it o the officer first. At any rate, I feel that this bill is of such a nature that it gives certain special privileges that ought to be paid for, or maybe there ought to be some amendment made to it, and therefore, Mr. Speaker, I move you that this bill be recommitted to the committee on "Governor's Ideas" for the purpose of amendment in the Democratic way.

The SPEAKER. The Chair rules the motion out of order.

Mr. HOLSTROM. Mr. Speaker, I will not take up any time on this bill. There should be no argument on this measure because the sentiment of the House expressed in the past has been such that they want some distinguishing feature for their licenses. We know that license plates have been discontinued, and this is just a gesture on the part of those who desire some consideration other than the ordinary rank and file of the citizens of this Commonwealth,—for those who are members of the Legislature or the Governor's Cabinet, members of the Supreme Court and certain members of the National Guard. This is just what the members of this House have asked for and I ask you to vote "aye" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—184

Achterman,	Ferko,	Mallen,	Schwartz,
Alexander,	Finnerty,	Mason,	Shaw,
Allen,	Fitch,	McCreary,	Shepard,
Altenburg,	Flanagan,	McDermott,	Shortz,
Andrews,	Flinchbaugh,	McDevitt,	Shreiner,
Arnold,	Flynn,	McElroy,	Shugarts,
Atkins,	Forrest,	McHenry,	Siegel,
Aukerman,	Furman,	McKinney,	Simpson,
Baine,	Gates,	Melchiorre,	Sinwell,
Baker, J. J.,	Gerard,	Mentzer,	Sloan,
Barber,	Gillette,	Moomaw,	Smith, J. A.,
Bernhard,	Green,	Mooney,	Smith, W. G.,
Blumberg,	Greenstein,	Moran,	Snyder, F. E.,
Boyd, R.,	Haberlen,	Moul,	Sowers,
Boyer,	Hagerty,	Muir,	Spangler,
Bradley,	Haluska,	Munley,	Stank,
Brancato,	Hamilton, F. P.	Murrin,	Stevens,
Brennan,	Hamilton, R. S.,	Nagel,	Stewart,
Brown, H. S.,	Harkins,	Nothnagle,	Stockham,
Brown, J. E.,	Harmuth,	O'Keefe,	Stone,
Brownfield,	Hart,	Ominsky,	Stott,
Burke,	Hartman,	O'Neill,	Sumney,
Cannon,	Hefferon,	Panton,	Surface,
Caputo,	Hermansen,	Parks,	Tahl,
Carr,	Hetrick,	Patterson, C.,	Terry,
Carson,	Hindman,	Patterson, J. W.,	Tronzo,
Castor,	Hirsch,	Pearson,	Trout,
Coakley,	Hoffner,	Perry,	Tumelty,
Cochran,	Holland,	Pfaff,	Turner,
Coleman,	Holstrom,	Phillips,	VanSickle,
Condon,	Jackson,	Piole,	Walker,
Conner,	Jones,	Powers,	Wall,
Coolahan,	Kane,	Reising,	Wasserman,
Cordier,	Kelder,	Reynolds,	Weiss,
Davies,	Kelso,	Rhys,	Welliver,
Decker,	Kilroy,	Rinn,	Welsh,
Denning,	Kinney,	Roan,	Westrick,
Dent,	Klingler,	Robinson,	Winner,
Diehl,	Kobelak,	Rooney,	Witkin,
Dilley,	LaRue,	Root,	Wood,
Downey, G. E.,	Linderman,	Ruffennach,	Woodside,
Downey, J. J.,	Long,	Ruth,	Yeakel,
Duffort,	Longaker,	Sarraf,	Yourishin,
Eberharter,	Lovett,	Scanlon,	Zappala,
Eroe,	Lynch,	Schrope,	Zimmerman,
Falkenstein,	Male,	Schwab,	Sarig,

NAYS—19

Baldi,	Cohen,	Moore,	VanAllsburg,
Barnhardt,	Habbyshaw,	Peters,	Weidemann,
Boose,	Hoopes,	Schrock,	White,
Brumbaugh,	Horst,	Snyder, J. L.,	Wickersham,
Chervenak,	Merrell,	Sproul,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Miss BRANCATO asked and obtained permission of the House for the Committee on Cities to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2904 as follows:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cosmetic Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Cosmetic" Any oil lotion liquid powder salve cream crystal tablet paste compound or preparation used or useful for beautifying or cleansing preserving or improving the appearance of the skin or hair or teeth except common household and toilet soaps other than medicated soaps and any perfume and any shaving soap shaving cream and any other preparation of a similar character used or useful for shaving purposes

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells with-

in Pennsylvania cosmetics to retail dealers or for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cosmetics for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cosmetics so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box can bottle tube or other container in or from which retail sales of cosmetics are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cosmetics at wholesale or at retail within this Commonwealth unless a cosmetic permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cosmetics at wholesale or retail within this Commonwealth shall file an application for a cosmetic permit or permits with the department Every application for a cosmetic permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the applicant shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cosmetic permit for each place of business within the Commonwealth set forth in his application Cosmetic permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1)

(d) The department may suspend or after hearing revoke a cosmetic permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cosmetic permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cosmetic permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is thereby imposed and assessed upon all sales of cosmetics by dealers at the rate of one cent for each fifteen cents or fractional part thereof of the retail selling price thereof except such sales of cosmetics as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cosmetics shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cosmetics to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cosmetics will not be required to purchase and affix stamps on such packages of cosmetics

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cosmetics stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cosmetics are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such package of cosmetics before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such cosmetics to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon receipt of any cosmetics at his place of business so affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such packages of cosmetics the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cosmetics

Whenever any cosmetics are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received

within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cosmetics are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cosmetics of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cosmetics the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cosmetics and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaging in the sale of cosmetics at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cosmetics received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cosmetics in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cosmetics taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give the Secretary of Revenue or his duly authorized representatives the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 Manufacturers of and dealers in cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cosmetics to be sold within this Commonwealth in which case the dealer or other person within this Commonwealth receiving such cosmetics shall not be required to purchase and affix stamps thereon

Section 9 In case any cosmetics upon which license stamps have been placed have been sold or shipped to a regular dealer in such articles in another state the seller in this Commonwealth shall be entitled to a refund of the actual amount of tax paid upon condition that the seller in this Commonwealth shall make affidavit that the cosmetics are so sold and shipped and that he shall furnish from the purchaser a written acknowledgment that he has received such cosmetics and the amount of stamps thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps of sufficient value to cover the refund

Section 10 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce the rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Diverse methods and conditions of sale of cosmetics in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 11 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cosmetics

Section 12 (a) Any person who shall sell cosmetics without being the holder of a cosmetic permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or to suffer imprisonment for a term not exceeding six months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and to suffer imprisonment for a term not less than six months nor more than three years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cosmetics in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cosmetics taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or to suffer imprisonment of not more than six months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two years nor more than five years

Section 13 All taxes and permit fees received collected or accruing under the provisions of this act shall be paid into the State Treasury by and through the department and shall be used only for assistance to the aged and blind in accordance with existing laws and for such purpose are hereby appropriated to the Department of Welfare

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after the final enactment of this act and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. BLUMBERG. Mr. Speaker, I would like to interrogate the gentleman from Washington, Mr. John E. Brown.

The SPEAKER. Will the gentleman from Washington, Mr. Brown, permit himself to be interrogated?

Mr. JOHN E. BROWN. I will, Mr. Speaker.

Mr. BLUMBERG. Mr. Speaker, will the gentleman from Washington, Mr. Brown, briefly and snappily tell the members of the House why he choose to tax the war paint of our ladies?

Mr. JOHN E. BROWN. Mr. Speaker, well, I know I like to pay my taxes, and every time I see a pretty girl, I like to think of the taxes they pay.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Dilley,	LaRue,	Rinn,
Alexander,	Downey, G. E.,	Long,	Robinson,
Allen,	Downey, J. J.,	Lovett,	Ruffennach,
Altenburg,	Eberharter,	Lynch,	Ruth,
Arnold,	Eroe,	Male,	Sarraf,
Atkins,	Falkenstein,	Mason,	Scanlon,
Aukerman,	Finnerty,	McCreary,	Schrope,
Baker, J. J.,	Fitch,	McDermott,	Schwab,
Barber,	Flanagan,	McElroy,	Shaw,
Bradley,	Flinchbaugh,	McHenry,	Shepard,
Brancato,	Flynn,	Melchiorre,	Shugarts,
Brown, H. S.,	Furman,	Mentzer,	Siegel,
Brown, J. E.,	Gerard,	Moomaw,	Sinwell,
Brownfield,	Haberlen,	Mooney,	Smith, J. A.,
Brumbaugh,	Hagerty,	Moran,	Smith, W. G.,
Burke,	Haluska,	Moul,	Stank,
Caputo,	Hamilton, F. P.,	Munley,	Stevens,
Carr,	Harkins,	Murrin,	Stewart,
Carson,	Harmuth,	Nagel,	Stone,
Castor,	Hartman,	O'Keefe,	Sumney,
Chervenak,	Hetrick,	Ominsky,	Tronzo,
Coakley,	Hindman,	O'Neill,	VanSickle,
Cochran,	Hirsch,	Panton,	Walker,
Cohen,	Holland,	Patterson, C.,	Weiss,
Coleman,	Holstrom,	Patterson, J. W.,	Welliver,
Condon,	Kelso,	Pearson,	Welsh,
Coolahan,	Kilroy,	Pfaff,	Westrick,
Davies,	Kinney,	Piole,	Yourishin,
Decker,	Klingler,	Powers,	Zappala,
Dent,	Kobelak,	Reising,	Sarig,
Diehl,			

NAYS—81

Andrews,	Hamilton, R. S.,	Parks,	Stockham,
Baine,	Hart,	Perry,	Stott,
Baldi,	Hefferon,	Peters,	Surface,
Barnhardt,	Hermansen,	Phillips,	Tahl,
Bernhard,	Hoffner,	Reynolds,	Terry,
Blumberg,	Hoopes,	Rhys,	Trout,
Boyd, R.,	Horst,	Roan,	Tumelty,
Boyer,	Jackson,	Rooney,	Turner,
Brennan,	Jones,	Root,	VanAllsburg,
Cannon,	Kane,	Schrock,	Wall,
Conner,	Kelder,	Schwartz,	Wasserman,
Cordier,	Linderman,	Shortz,	Weidemann,
Denning,	Longaker,	Shreiner,	White,
Duffort,	Mallen,	Simpson,	Wickersham,
Fenke,	McDevitt,	Sloan,	Winner,
Forrest,	McKinney,	Snyder, F. E.,	Witkin,
Gates,	Merrell,	Snyder, J. L.,	Wood,
Gillette,	Moore,	Sowers,	Woodside,
Green,	Muir,	Spangler,	Yeakel,
Greenstein,	Nothnagle,	Sproul,	Zimmerman,
Habbyshaw,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1629, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control electric power and light plants and appurtenances thereto and to sell electrical energy both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes providing for the election of a board of directors to operate and manage such plants and defining its powers and duties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. McDEVITT. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. MORAN. Mr. Speaker, I would like to ask the gentleman for what reason he thinks this bill should be recommitted.

Mr. McDEVITT. Mr. Speaker, I would say to the gentleman from Allegheny, Mr. Moran, this is exactly the same type of bill that was twice defeated in the House, and similar to a bill which was put forward by the same gentleman. I do not feel that the bill is workable and it is not at all in shape to pass. It is a bill that really ought to be recommitted for further consideration and possible amendment, if it can be amended.

Mr. MORAN. Mr. Speaker, tht gentleman from Philadelphia refers to the bill as being twice defeated. The bill that was twice defeated was a water and gas bill. This is a bill on electricity. I think it is a very good bill and I ask the members of the House to vote down this motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, eighty members having voted in the affirmative and eighty five in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—70

Andrews,	Finnerty,	McDermott,	Siegel,
Aukerman,	Fitch,	McElroy,	Sinwell,
Baine,	Gerard,	Mentzer,	Smith, J. A.,
Bradley,	Haberlen,	Moomaw,	Stank,
Brancato,	Hagerty,	Mooney,	Stevens,
Brown, H. S.,	Haluska,	Moran,	Stone,
Brown, J. E.,	Harkins,	Moul,	Sumney,
Brownfield,	Hirsch,	Murrin,	Tronzo,
Brumbaugh,	Holland,	Nagel,	Tumelty,
Burke,	Hoopes,	Ominsky,	VanAllsburg,
Cannon,	Kilroy,	Pfaff,	Walker,
Caputo,	Kinney,	Patterson, J. W.,	Weiss,
Carson,	Kobelak,	Piole,	Welliver,
Coakley,	Long,	Reising,	Welsh,
Cohen,	Lovett,	Robinson,	Westrick,
Coolahan,	Lynch,	Ruffennach,	Zappala,
Dent,	Male,	Ruth,	Sarig,
Downey, G. E.,	McCreary,	Scanlon,	

NAYS—72

Achterman,	Duffort,	McDevitt,	Simpson,
Allen,	Ferko,	McKinney,	Sloan,
Altenburg,	Forrest,	Melchiorre,	Snyder, F. E.,
Arnold,	Furman,	Merrell,	Snyder, J. L.,
Atkins,	Gates,	Moore,	Sproul,
Baldi,	Greenstein,	Muir,	Stewart,
Barnhardt,	Habbyshaw,	Nothnagle,	Stockham,
Bernhard,	Hamilton, F. P.,	Patterson, C.,	Tahl,
Blumberg,	Hamilton, R. S.,	Pearson,	Turner,
Boose,	Harmuth,	Perry,	Wall,
Boyd, R.,	Hefferon,	Peters,	Wasserman,
Brennan,	Hoffner,	Phillips,	Weidemann,
Castor,	Jackson,	Roan,	White,
Cochran,	Jones,	Rooney,	Wickersham,
Coleman,	Kane,	Schrock,	Winner,
Conner,	Kelder,	Schrope,	Witkin,
Cordier,	Kelso,	Schwartz,	Wood,
Davies,	Linderman,	Shortz,	Woodside,
Denning,	Longaker,	Shreiner,	Yeakel,
Downey, J. J.,	Mason,	Shugarts,	Yourishin,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1367 as follows:

An Act to amend section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "As act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by fixing the compensation of the township treasurer in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Cmmonwtalth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 802 Compensation The township treasurer shall receive for his duties as treasurer and tax collector for the township a sum equal to five per centum of all township taxes received or collected by him and in addition thereto a sum equal to one per centum on all other moneys received or collected by him for the township unless a different rate or annual compensation shall be fixed by ordinance of the township commissioners [finally adopted thirty days prior to his election] Provided That in no case shall the total compensation of the treasurer as treasurer and tax collector for the township exceed the sum of ten thousand dollars ($10,000) Provided That in any township where the county township and school taxes are collected by the county treasurer the township treasurer shall receive such compensation as the township commissioners shall fix not exceeding two thousand ($2,000) annually.

Section 2 The provisions of this act shall become effective in each township of the first class upon the expiration of the term of the township treasurer now in office or upon the earlier happening of a vacancy in such office

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—171

Achterman,	Downey, G. E.,	Longaker,	Scanlon,
Alexander,	Downey, J. J.,	Lovett,	Schrock,
Allen,	Eberharter,	Lynch,	Schrope,
Altenburg,	Eroe,	Male,	Schwab,
Andrews,	Falkenstein,	Mallen,	Schwartz,
Arnold,	Finnerty,	Mason,	Shaw,
Atkins,	Fitch,	McCreary,	Shepard,
Aukerman,	Flanagan,	McDevitt,	Shortz,
Baine,	Flinchbaugh,	McElroy,	Shugarts,
Baker, J. J.,	Flynn,	McHenry,	Siegel,
Baldi,	Furman,	Melchiorre,	Simpson,
Barber,	Gates,	Mentzer,	Sinwell,
Barnhardt,	Gerard,	Merrell,	Sloan,
Bernhard,	Gillette,	Moomaw,	Smith, J. A.,
Blumberg,	Green,	Mooney,	Smith, W. G.,
Boose,	Greenstein,	Moran,	Sowers,
Boyd, R.,	Haberlen,	Moul,	Spangler,
Boyer,	Hagerty,	Muir,	Stevens,
Bradley,	Haluska,	Munley,	Stewart,
Brancato,	Hamilton, F. P.,	Murrin,	Stone,
Brennan,	Harkins,	Nagel,	Stott,
Brown, H. S.,	Harmuth,	O'Keefe,	Sumney,
Brown, J. E.,	Hart,	Ominsky,	Surface,
Brownfield,	Hartman,	O'Neill,	Tahl,
Brumbaugh,	Hetrick,	Panton,	Terry,
Burke,	Hindman,	Parks,	Tronzo,
Cannon,	Hirsch,	Patterson, C.,	Trout,
Caputo,	Holland,	Patterson, J. W.,	Tumelty,
Carr,	Holstrom,	Pearson,	VanAllsburg,
Carson,	Hoopes,	Perry,	VanSickle,
Castor,	Horst,	Pfaff,	Walker,
Coakley,	Jackson,	Piole,	Wall,
Cochran,	Jones,	Powers,	Weiss,
Cohen,	Kane,	Reising,	Welliver,
Coleman,	Kelder,	Reynolds,	Welsh,
Coolahan,	Kelso,	Rinn,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Witkin,
Denning,	Kobelak,	Ruffennach,	Wood,
Dent,	LaRue,	Ruth,	Zappala,
Diehl,	Long,	Sarraf,	Sarig,
Dilley,			

NAYS—32

Chervenak,	Hermansen,	Rhys,	Turner,
Condon,	Hoffner,	Roan,	Wasserman,
Conner,	Linderman,	Shreiner,	Weidemann,
Duffort,	McDermott,	Snyder, F. E.,	Winner,
Ferko,	McKinney,	Snyder, J. L.,	Woodside,
Forrest,	Moore,	Sproul,	Yeakel,
Habbyshaw,	Nothnagle,	Stank,	Yourishin,
Hamilton, R. S.	Peters,	Stockham,	Zimmerman,
Hefferon,	Phillips,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrenie.

BILL ON FINAL PASSAGE

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1755, Printer's No. 1539, on page 12, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BLUMBERG,

The House resumed the consideration on final passage of House Bill No. 1755, entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred and thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption

on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and election days.

RECONSIDERATION OF VOTE

Mr. BLUMBERG. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BLUMBERG. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title page 2, last line of title by striking out the words "election days" and inserting in lieu thereof "eliminating the prohibition against the maintenance of a bar"

Amend Sec. 1, page 6, lines 1, 2 and 3, by striking out with light-faced brackets all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1368, entitled:

An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 280) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances eliminating interest charges in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 229, entitled:

An Act to further amend the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled as amended "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth at the time of his death defining and taxing transfers made in contemplation of death and making it unlawful for any corporation of this Commonwealth or national banking association located thereinto transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" providing for the transfer of the powers and duties incident to the collection of transfer inheritance taxes from registers of wills county treasurers and the Auditor General and his agents to the Department of Revenue.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—72

Achterman,	Coakley,	Hoopes,	Ruffennach,
Alexander,	Cochran,	Klingler,	Scanlon,
Allen,	Coolahan,	Kobelak,	Schropé,
Arnold,	Decker,	Long,	Schwab,
Aukerman,	Dent,	Lovett,	Shaw,
Baine,	Diehl,	McDermott,	Shepard,
Baker, J. J.,	Dilley,	McElroy,	Siegel,
Barber,	Downey, G. E.,	Melchiorre,	Smith, J. A.,
Bradley,	Eberharter,	Moomaw,	Stevens,
Brancato,	Falkenstein,	Moran,	Stone,
Brown, H. S.,	Gerard,	Moul,	Tronzo,
Brown, J. E.,	Haberlen,	Murrin,	Weiss,
Brownfield,	Harkins,	O'Keefe,	Welliver,
Brumbaugh,	Harmuth,	Ominsky,	Welsh,
Burke,	Hindman,	Panton,	Westrick,
Cannon,	Hirsch,	Patterson, C.,	Yourishin,
Carson,	Holland,	Patterson, J. W.,	Zappala,
Chervenak,	Holstrom,	Pfaff,	Sarig,

NAYS—80

Altenburg,	Duffort,	McDevitt,	Sproul,
Andrews,	Eroe,	McKinney,	Stewart,
Atkins,	Ferko,	Merrell,	Stockham,
Baldi,	Fitch,	Moore,	Sumney,
Barnhardt,	Forrest,	Muir,	Surface,
Bernhard,	Gates,	Nothnagle,	Tahl,
Blumberg,	Greenstein,	O'Neill,	Terry,
Boose,	Habbyshaw,	Peters,	Trout,
Boyd, R.,	Hamilton, F. P.,	Powers,	Turner,
Boyer,	Hamilton, R. S.,	Roan,	VanAllsburg,
Brennan,	Hart,	Root,	Wall,
Carr,	Hermansen,	Schrock,	Wasserman,
Castor,	Horst,	Schwartz,	Weidemann,
Coleman,	Jackson,	Shortz,	Wickersham,
Condon,	Jones,	Shreiner,	Winner,
Conner,	Kelder,	Sloan,	Witkin,
Cordier,	Kinney,	Snyder, F. E.,	Wood,
Davies,	Linderman,	Snyder, J. L.,	Woodside,
Denning,	Longaker,	Sowers,	Yeakel,
Downey, J. J.,	McCreary,	Spangler,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2507, entitled:

An Act establishing creating and constituting an Investment Control and Advisory Board of the Commonwealth defining its powers and duties providing for its organization and equipment and making an appropriation for the operation and expenses of said Board for the two years ending May thirty-one one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. BROWNFIELD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1832, entitled:

An Act relating to rag dolls teddy bears and toys and playthings of a similar kind regulating the making remaking renovating sterilizing disinfecting sale leasing delivering consigning and having in possession thereof with intent to sell lease deliver or consign the same providing for the tagging of such toys and playthings and fixing the fees for such tags and for adhesive stamps and providing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. VanSICKLE. Mr. Speaker and members of the House, the sponsor of this bill has just been called out and I feel that a few words of explanation should be given so that the members may understand exactly what this bill is about. This bill provides for the attaching of stamps to rag dolls and playthings of a similar sort, or nature, when they use second hand material in making these things. It has a two-fold purpose, namely, the raising of revenue, and the primary purpose of safeguarding the health of the kiddies of the Commonwealth of Pennsylvania.

At the present time we have similar legislation providing for the attaching of stamps to pillows and upholstered goods, but at the present time we have no such regulation as to the material that is used in the toys that our kiddies play with. It is, therefore, a health measure and I ask the members of the House to vote for it.

Mr. ANDREWS. Mr. Speaker and members of the House, the purpose of this bill is to make more jobs for more inspectors.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I am opposed to this bill because I think it is another attempt to sock the poor.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—96.

Achterman,	Gerard,	McHenry,	Root,
Arnold,	Gillette,	McKinney,	Ruffennach,
Aukerman,	Green,	Melchiorre,	Ruth,
Blumberg,	Greenstein,	Mentzer,	Sarraf,
Bradley,	Haberlen,	Merrell,	Scanlon,
Brancato,	Harkins,	Mooney,	Shepard,
Burke,	Harmuth,	Moore,	Siegel,
Cannon,	Hefferon,	Moran,	Sinwell,
Chervenak,	Hetrick,	Moul,	Smith, J. A.,
Coakley,	Hindman,	Murrin,	Sowers,
Coleman,	Holland,	O'Keefe,	Sproul,
Coolahan,	Holstrom,	Ominsky,	Stank,
Davies,	Hoopes,	O'Neill,	Stevens,
Decker,	Kelder,	Patterson, C.,	Stone,
Dilley,	Kilroy,	Patterson, J. W.,	Tronzo,
Downey, G. E.,	Kinney,	Pearson,	Turner,
Downey, J. J.,	Kobelak,	Pfaff,	VanSickle,
Eberharter,	Long,	Piole,	Walker,
Eroe,	Longaker,	Powers,	Wasserman,
Falkenstein,	Lovett,	Reising,	Weidemann,
Finnerty,	Lynch,	Rhys,	Weiss,
Fitch,	Male,	Rinn,	Welliver,
Flinchbaugh,	McDermott,	Roan,	Zappala,
Furman,	McDevitt,	Robinson,	Sarig,
Gates,			

NAYS—63.

Alexander,	Carr,	Klingler,	Snyder, J. L.,
Allen,	Carson,	McCreary,	Stewart,
Altenburg,	Castor,	McElroy,	Stockham,
Andrews,	Cochran,	Moomaw,	Sumney,
Atkins,	Conner,	Nagel,	Tahl,
Baine,	Cordier,	Nothnagle,	Trout,
Baldi,	Denning,	Panton,	Tumelty,
Barnhart,	Dent,	Peters,	Wall,
Bernhard,	Ferko,	Schrock,	Westrick,
Boose,	Habbyshaw,	Schropé,	Wickersham,
Boyd, R.,	Hamilton, F. P.,	Schwab,	Witkin,
Boyer,	Hamilton, R. S.,	Schwartz,	Wood,
Brennan,	Hermansen,	Shaw,	Woodside,
Brown, J. E.,	Hirsch,	Shortz,	Yeakel,
Brownfield,	Jones,	Sloan,	Yourishin,
Caputo,	Kelso,	Snyder, F. E.,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1783, as follows:

An Act to amend section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" further defining cases in which imprisonment for debt shall or shall not be permitted

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twelfth day of July one thousand eight hundred and forty-two (Pamphlet Laws three hundred thirty-nine) entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act no person shall be arrested or imprisoned on any civil process issuing out of any court of this Commonwealth in any suit or proceedings instituted for the recovery of any money due upon any judgment or decree founded upon contract or due upon any contract express or implied or for the recovery of any damages for the nonperformance of any contract or for the recovery of any damages against a principal arising out of injury to person or property and caused by the act or omission of the agent servant or employee of such principal except in proceeding as for contempt to enfore civil remedies action for fines or penalties or on promises to marry accompanied with seduction on moneys collected by any public officer or for any misconduct or neglect in office or in any professional employment in which cases the remedies shall remain as heretofore

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 540

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 540, Printer's No. 183, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID ON TABLE

Mr. JOHN A. SMITH. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENT NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 979, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothono-

taries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 979.

Mr. BLUMBERG. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 979, Messrs. Blumberg, Scanlon and Long.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Mr. JOHN J. DOWNEY asked and obtained unanimous consent to call up out of order House Bill No. 2964, Senate Bill No. 255, Printer's No. 561, on page 23, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2964 (Senate Bill No. 255), entitled:

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one housand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohobiting the use and possession of matches pipes and smokers' article in certain mines

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.	Nagel,	Stockham,
Brancato,	Hamilton, R. S.	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kane,	Rhys,	Welliver,
Conner,	Kelder,	Rinn,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klingler,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Zappala,
Duffort,	Lynch,	Schwab,	Zimmerman,
Eberharter,	Male,	Schwartz,	Sarig,
Eroe,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 2653.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 2653, Printer's No. 1091, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. JOHN A. SMITH. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. JOHN A. SMITH. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. JOHN A. SMITH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 2 of title, by inserting after the part-word "sylvania" the following: "the Borough of Lemoyne, Pennsylvania".

Amend sec. 1, page 1, line 4, by inserting after the word "Pennsylvania" the following "the Borough of Lemoyne, Pennsylvania".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 39.

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

Mr. YOURISHIN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILLS NONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 19.

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall durng the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

MESSAGE LAID ON TABLE

Mr. YOURISHIN. Mr. Speaker, I move that the message be laid upon the table.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. BURKE, from the Committee on Cities, reported as committed House Bill No. 1157 (Senate Bill No. 8), entitled:

An Act providing for the fixing of the salary of county officers members of the board of viewers members of the registration commission and the board of revision of taxes and the number salary and compensation of deputies assistants clerks and appointees in the several county offices with certain exceptions and clerks assistants registrars assessors and appointees employed by the board of viewers the registration commission and the board of revision of taxes in counties of the first class by the legislative authority levying taxes and raising revenue and repealing existing laws.

Mr. KELSO, from the Committee on Counties, reported as committed House Bill No. 2974 (Senate Bill No. 117), entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation from all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs and townships of the second class and repealing inconsistent legislation.

Mr. KELSO, from the Committee on Counties, reported as committed House Bill No. 2973 (Senate Bill No. 116), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

Mr. EROE, from the Committee on Appropriations, reported as committed, House Bill No. 3016 (Senate Bill No. 1398), entitled:

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation.

Mr. EROE, from the Committee on Appropriations, reported as committed House Bill No. 2088 (Senate Bill No. 705), entitled:

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts

Mr. FERKO, from the Committee on Cities, reported as committed House Resolution No. 166.

Mr. CASTOR, from the Committee on Cities, reported as committed House Resolution No. 167.

Mr. REYNOLDS, from the Committee on Cities, reported as committed House Resolution No. 172.

BILLS ON FIRST READING

Pursuant to the motion of today that all bills reported from Committee be read the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1157 (Senate Bill No. 8), entitled:

An Act providing for the fixing of the salary of county officers members of the board of viewers members of the registration commission and the board of revision of taxes and the number salary and compensation of deputies assistants clerks and appointees in the several county offices with certain exceptions and clerks assistants registrars assessors and appointees employed by the board of viewers the registration commission and the board of revision of taxes in counties of the first class by the legislative authority levying taxes and raising revenue and repealing existing laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2974 (Senate Bill No. 117), entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs and townships of the second class and repealing inconsistent legislation

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2973 (Senate Bill No. 116), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3016 (Senate Bill No. 1398), entitled:

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2088 (Senate Bill No. 705), entitled:

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. JAMES L. SNYDER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 6:38 P. M.) the House adjourned until Wednesday, June 19, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, JUNE 19, 1935 No. 79

SENATE

WEDNESDAY, June 19, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chtplain, Rev. William E. Howard, D. D., offered the following prayer:

Thou hast given us, O God, a goodly heritage. We live in a land flowing with milk and honey. Vast mineral deposits and great pools of golden oil lie beneath us. High hills and fertile valleys and plains, watered by flowing rivers are spread about us. These untold resources make our Commonwealth rich beyond human power of computation.

But all these material possession avail us naught unless our people are happy and contented. May these men into whose hands is largely committed the administration of all this abundance realize that they are Thy stewards. May their legislative acts be just and right, making equitable distribution of burdens to be borne and benefits to be enjoyed by the people of our State. And may the ultimate result of their actions be happy homes, prosperous business and contented hearts. Amen.

JOURNAL APPROVED

The PRESIDENT.—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITION

PROTEST AGAINST DISMISSAL OF STATE NURSE

Mr. HOWELL presented to the Senate petition signed by hundreds of residents of Lackawanna and Luzerne Counties protesting against the dismissal of Miss Viola Kennedy, State Nurse.

Which was referred to the Committee on Judiciary General

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 3025 (Senate Bill No. 1723), entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax.

Which was committed to the Committee on Finance.

House Bill No. 3026 (Senate Bill No. 1724), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and/or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and/or accruing during such two fiscal years defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 3032 (Senate Bill No. 1725), entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruction improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof.

Which was committed to the Committee on State Government.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2134

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2134, entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "Third Class City Law," requiring cities to make certain payments into the police pension fund.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1686

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to

In the House of Representatives, June 19, 1935.

Resolved (if the Senate concur), That House Bill No. 1886 entitled:

An Act relating to criminal procedure; imposing upon magistrates, aldermen and justices of the peace conducting preliminary hearing the duty of obtaining two names of persons whom defendants desire notified of time of trial; and imposing upon the district attorney the duty of notifying such persons,

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

SENATE BILL NO. 222 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 222, entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. COYNE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1 page 1 line 6 by striking out the word "nine" and insert the word "seven"; also line 9 by striking out the conjunction "and" and inserting in lieu thereof the following: "who shall designate one of such members as chairman All the members"; also page 2 line 3 by inserting after the word "thereof" the following: "The chairman of the Board shall receive a salary of six thousand dollars per annum"; also line 3 by inserting after the word "board" the words "other than the chairman;" also line 4 by striking out the word "six" and inserting "five"; also line 4 by inserting after the word "annum" the words "All such salaries shall be"; also section 2 page 2 line 10 by inserting after the word "taxable" the following: "under any general special or local law"; also section 8 page 4 by striking out all of line 20 and 21 up to the word "appeal"; also by inserting after section 8 the following:

Only one such appeal may be taken during the period of any triennial assessment unless the assessed valuation of the property has been changed during such period No such appeal shall affect the amount of any tax which has been paid before such appeal was taken; also by inserting after section 15 page 8 the following:. The council of any city may in order to preserve the basis of valuation upon which taxes in such city have heretofore been levied and upon which the indebtedness of such city has been incurred or increased uniformly increase the valuations of all property in such city as certified to it by the board for the assessment and revision of taxes by a fraction of such valuation to be determined by such council Provided That such council shall in no case increase any such valuations to an amount in excess of the actual fair value of the property in such city; also by inserting after section 16 page 9 the following: "subject to the right of cities to increase valuations as hereinbefore provided."

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 39

He also presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, nonconcurred in by the Senate to the Senate Bill No. 39, entitled:

An Act for the protection of the health, safety, and welfare of women and minors in any occupation, trade or industry except domestic service in private homes newspaper boys and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standards which shall be paid to such women and minors employed in trades and industries providing for wage boards to recommend the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards, imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties.

SENATE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 39

Mr. REED. Mr. President, with the consent and authority of the sponsor of the bill, the Senator from Philadelphia, Mr. Salus, I move that the Senate insist upon its amendments to Senate Bill No. 39.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported

that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 181, entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Senate Bill No. 255, entitled:

An Act to amend rule thirty-two of article twenty-five of the act approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by prohibiting the use and possession of matches, pipes and smokers' articles in certain mines.

Senate Bill No. 466, entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Senate Bill No. 535, entitled:

An Act making appropriations to the Glen Mills Schools, situate in Delaware County, Pennsylvania.

Senate Bill No. 537, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania.

Senate Bill No. 539, entitled:

An Act making appropriations to Sleighton Farm School for Girls, situate in Delaware County, Pennsylvania.

Senate Bill No. 754, entitled:

An Act making appropriations to the Trustees of Temple University, at Philadelphia, Pennsylvania.

Senate Bill No. 350, entitled:

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers; providing for the payment of such excavations and making an appropriation.

Senate Bill No. 1026, entitled:

An Act making an appropriation to the Dpeartment of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

Senate Bill No. 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Senate Bill No. 1346, entitled:

An Act to amend the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number seventy-five) (P. L.), entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class," by changing the date on which the installment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs.

Senate Bill No. 299, entitled:

An Act making appropriations to the Department of Welfare to pay for the care, treatment and maintenance of the indigent insane in the Dixmont Hospital, at Dixmont, Allegheny County.

Senate Bill No. 363, entitled:

An Act making appropriations to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

Senate Bill No. 665, entitled:

A Further Supplement to the act approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural College," and making appropriations for carrying the same into effect.

Senate Bill No. 963, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

House Bill No. 2050, entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said act to highways in cities" as amended

House Bill No. 2053, entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation

House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

House Bill No. 2139, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

House Bill No. 89, entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works.

House Bill No. 473, entitled:

An Act to amend paragraph (a) one of section forty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen, (P. L. 447), entitled "Fiduciaries Act of 1917," as amended, further defining the nature and kind of investments of trust funds to be made by fiduciaries.

House Bill No. 1278, entitled:

An Act limiting the mileage cost for service of subpoenas in criminal cases to the trips actually made and imposing certain duties on district attorneys.

House Bill No. 1286, entitled:

An Act to amend sections ten, twelve and fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the compensation and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health

House Bill No. 2332, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years for the passage of this act.

House Bill No. 1798, entitled:

An Act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases seduction criminal conversation and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such action making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties

House Bill No. 2205, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended providing for meetings of teachers.

House Bill No. 1943, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 173

The Clerk of the House of Representatives being introduced presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 173, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural Schol, Downingtown, Pennsylvania.

Mr. CLARK. Mr. President. I move that the Senate recede from its amendments made to the foregoing bill.

Mr. BUCKMAN, Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp.
Baumer,	Harvey,	Owlett,	Shapiro,
Beau,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson
Coyne,	Law,	Reed	(Westmoreland)
Daly,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh.	Roberts,	Ziesenheim,

NAYS—0.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 155.

He also presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 155, entitled:

An Act making appropriations to the Moore Institute of Art, Science and Industry, Philadelphia School of Design for Women, at Philadelphia, Pennsylvania.

Mr. SHAPIRO. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill.

Mr. THOMPSON (Westmoreland) Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. REED (Dauphin), from the Committee on State Government as committed, Senate Bill No. 1725 (House Bill No. 3032), entitled:

An Act authorizing counties cities towns boroughs and townships to acquire constduct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for rights of the holders thereof.

BILL RECOMMITTED

Mr. REED (Dauphin) Mr. President, I move that Senate Bill No. 3025, the bill just reported, be recommitted to the committee of Finance.

Mr. GRAFF. Mr. President, I second the motion

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. GELDER, from the Committee on Highways, re-reported as amended, Senate Bill No. 1565 (House Bill No. 2184), entitled:

An Act to amend the act approved the twenty-second day of June one thousand nine hudred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and cnstruction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes.

Mr. HUNSICKER, from the Committee on State Government reported as committed, Senate Bill No. 1083 (House Bill No. 2046), entitled:

An Act to amend an act, approved the fifth day of July, one thousand nine hundred and seventeen (P. L. 681), entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department; and providing that certified copies of all records, books, papers, documents, and rulings of the department shall be received in evidence," by providing that the Secretary of Highways, in addition to the certification fee of one dollar ($1.00), also may charge the cost of producing certified copies.

Mr. ARON, from the Committee on State Government reported as committed, Senate Bill No. 1647 (House Bill No. 1876), entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or eblonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties the interest charges shall be striken off

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 676 (House Bill No. 869), entitled:

An Act requiring cities of the first class to allow members of the fire departments twenty-four consecutive hours of rest in each week and fourteen days vacation each year except in emergency cases

Mr. TRAINER, from the Committee on Law and Order, re-reported as committed, Senate Bill No. 517 (House Bill No. 738), entitled:

An Act to amend section seven hundred and two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing that one-half of all fines and penalties shall be paid to counties.

Mr. STAUDENMEIER, from the Committee on State Government, reported as committed, Senate Bill No. 1091 (House Bill 2057), entitled:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases has failed to furnish the required protection through insolvency of the insurance carrier and making an appropriation

Also from the Committee on State Government reported as committed, Senate Bill 1090 (House Bill No. 2055), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes of certain departments, boards, and commissions shall be determined," by adding to section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials.

Mr. SHAPIRO, from the Committee on Corporations reported as amended, Senate Bill No. 1450 (House Bill No. 2659), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted

or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name the advertisement of certain corporate procedure and formal actions by shareholders

Also from the Committee on Corporations, reported as amended, Senate Bill No. 1452 (House Bill No. 2666), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying changing and clarifying the provisions of the act relating to the corporate name the election of directors the removal of officers and agents and the procedure for changing the address of the registered office of domestic and foreign corporations

Mr. McGINNIS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1223 (House Bill No. 1571), entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the conditions of the bond of the city treasurer as tax collector and providing when liability on such bond shall cease

REPORT OF LEGISLATIVE COMMITTEE TO INVESTIGATE PUBLIC RELIEF IN PENNSYLVANIA

Mr. EALY. Mr. President, I desire at this time to present a report of the Joint Legislative Committee, appointed under Concurrent Resolution No. 110, for the investigation on the subject of the administration of unemployment relief. This is only a preliminary and partial report. The majority of the Committee recommends that the administration of relief be decentralized to a large extent. The majority of the committee recommends the passage at this session of the Legislature of some act or acts to further this recommendation.

The Senate has already passed two bills on this subject and transmitted them to the House, so I take it that any action that is to be taken at this time must be first taken by the House of Representatives. This report has been placed on the desks of the Senators.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

Your Committee was appointed to investigate public relief in Pennsylvania under House Concurrent Resolution No. 110 and the duty of the Committee as defined in the Resolution was (a) to make a searching and impartial study and investigation of the distribution of public relief through this Commonwealth (b) to ascertain whether and in what respect the present system is open to abuse, (c) to ascertain whether additional legal safeguard should be provided, (d) to ascretain whether appropriations for relief may be reduced, (e) to collate and digest reports of other investigating committees, and (f) to investigate such other facts and circumstances as may be deemed necessary and advisable to enable the General Assembly to act with some degree of certainty and establish an impartial, unpolitical, unwasteful and business system of aiding those of our unfortunates in need and of eradicating and punishing those who take advaneage of distressing economic conditions for their personal selfish ends whether as recipients or as distributors thereof.

The Legislature recognized that it was impossible for the Committee to make a full and extended report of its findings at this Session of the Legislature and directed that the final report should be made not later than February 1, 1937. It did however, require that a preliminary report be made at this Session of the General Assembly. It is in compliance with this requirement that the Committee makes this partial or preliminary report. The regular duties of the members of the Committee, as members of the Legislature, however, have greatly handicapped it in its endeavors to carry out its instructions and the lack of an appropriation of money up to this time has also prevented a more complete report being submitted.

The Committee did hold meetings each week since its appointment, calling before it the present Director of Relief in Pennsylvania and his predecessor, the heads of the various departments in the relief administration, and the chairmen of a number of the Relief Investigating Committees appointed by the House of Representatives to investigate the administration of relief in the several areas covered by their commissions, which chairmen made reports of the activities of their several committees. There also appeared voluntarily before your Committee quite a number of individuals from several widely scattered counties of the State who set forth matters of complaint respecting the administration of relief in their districts. From all these sources your Committee feels that it has secured a cross section as it were, and a general picture of conditions throughout the Commonwealth.

In the preamble to the resolution appointing your committee, it was set forth, among other things, as reasons showing the necessity of appointing such Committee that some inherent defect exists in the present system of relief distribution; that taxpayers are demanding that the light of publicity be thrown upon the whole system of distributing public relief; and that the system of administering relief fails to approach the task of placing relief upon a sound State-wide business basis.

While your Committee in no sense considers this a complete and final report, all members thereof are agreed that the evidence produced before the Committee substantiates the statements above set forth taken from the preamble to the resolution.

The enormous increase in the amount of expenditures for unemployment relief since the adoption of the Act known as the First Talbot Act in 1931, from an expenditure in the State of approximately one million dollars of State funds per month to an expenditure of State and Federal funds approximately twenty-one million dollars per month cannot be accounted for solely on the grounds that there has been an increase in the number of recipients of relief or that the amount of relief per individual was required to be increased.

While the complaints against the present system as set forth by the several witnesses before your Committee varied in detail, yet there seemed to be a more or less general agreement on a number of points, which your Committee now desires to discuss.

LOCAL CONTROL

On the chief defects in the present system is the lack of responsible, efficient control in a local board or director

in each of the several counties or areas in the State. Employment relief in these areas has been conducted under various branches such as the Division of Direct Relief, the Works Relief Division, the Financial Division, Disbursing Office, the Employment Bureau, etc. In the past there has been a lack of coordination between these divisions each operating separately under various rules and regulations promulgated from Harrisburg and Washington and without anyone locally having authority to bring them into cooperation. As the conditions in the several counties and areas differ widely it is wholly impossible for uniform rules to apply satisfactorily. The result is necessarily confusion, inefficiency and waste, and what was intended for equality becomes gross inequity. One of two examples may be sufficient to illustrate this condition. For instance, relief checks have been mailed to persons for weeks after such reciepents have been reported by employers or others to have been given employment. This is due to the fact that such information must go around-about course from one persons or office to another and through a devious system of files and cards so that a long time elapses before the paymaster obtains the knowledge which stops the taxpayers' money from going where it is not needed.

Again by reason of the fact that a uniform budget system is set up applying to all counties or areas, persons on farms or small tracts of land or in other favorable situations may be given the same relief as those without the aid which these circumstances might have afforded if properly used. Even in the same county, different sections produce different conditions which cannot be met by any standard set of rules.

Relief administration therefore, in the opinion of a majority of the Committee should be decentralized to a much greater extent than at present and the local boards should be given authority to make such rules as will provide reasonable helief at a minimum of expense to the taxpayers. With such powers there would go, of course, a responsibility for which the boards would be held accountable.

CHISELING

The subject of chiseling was one that was brought to the attention of all the committees appointed to investigate the administration of relief. This term in its narrow sense may be limited to those who deliberately accept relief while having money in bank or elsewhere and those who receive relief checks while fully employed in private business. In its broader sense it may apply to all those who take more relief than needed, to those who fail to aid themselves by planting their farms and gardens and those who in work relief fail to render the service reasonably to be required for their pay.

The number of chiselers in the narrower sense the Committee feels is not so large as indicated in certain of the testimony. However, it is sufficiently large to take a considerable amount of money unlawfully. A few prosecutions of the flagrant offenders in each area should have a wholesome effect in discouraging this form of cheating the public.

The other form of chiseling to which we have referred is more serious in its lasting results. The giving of relief in itself has demoralizing features attached to it. The recipient at first reluctant to accept aid soon comes to feel that the State owes him a living without undue effort on his part. We feel that the attitude of the professional social worker too often encourages the relief worker to assume a position of dependence upon the State. More efficient local control with the employment of investigators who discourage giving relief to all who can help themselves, will have a salutary effect in stopping all forms of chiseling.

SOCIAL WORKERS

In the investigation by the Committee, no criticism occurred more frequently than that relating to the type of employees administering relief. Under Federal rules and regulations, the administration of relief has passed to a large extent into the hands of professional social workers and conducted from their point of view. The testimony of the Assistant Administrator of Direct Relief showed the large measure of free play given to the social influence in the whole administration of relief.

Unfortunately many of these persons have been salaried men and women who do not have the viewpoint of the taxpayer who conducts a business with great difficulty to avoid insolvency or who only by most strenuous efforts is able to save himself and family from going on the relief rolls. Everyone desires, of course, to uplift the standard of living of those in want but the danger today from the enormous increase in the cost of relief, is that the whole of society will be precipitated into the same ruin so that the standard of all will be eventually lowered.

The Committee feels that the minimum of relief that will reasonably support the unemployed and take from the overburdened taxpayer as little money as possible in this emergency is the best solution at this time. As the comprehensive report of the House Investigating Committee for Allegheny County puts it "The taxpayer cannot perpetually support one-fourth of the population as a social workers' experimental laboratory."

A common cause of complaint by recipients of relief was the rule requiring that investigators must have a college or high school education and in some cases must pass an oral examination by a "social welfare" supervisor. It was urged that many of those on relief would make better investigators and would save money for the taxpayers by being taken from the rolls. The Committee feels that too much stress has been laid on the social training qualification and that sound judgment in business and family training qualification and that sound judgment in business and family affairs is more important than a course in college, and that a policy should be adopted for the administration of relief on a basis of sound common sense rather than on a social basis.

WORK RELIEF

Considerable evidence was presented to the Committee indicating that the tangible results obtained through Work Relief were extremely expensive from the taxpayers' point of view. For example, several of the County Relief Investigating Committees presented evidence showing that Public Works Projects in their Counties were costing four to five times the amount of money which private contractors would have charged for the same work. Members of the unemployed groups appearing before the Committee complained about the method of administering such work and themselves pointing out that many of these projects were costing too much money.

Some of the reasons for this were pointed out by one of the auditors in the State Auditor General's Department. He produced evidence to show that on certain Works Projects in Berks County the overhead was running as high as forty per cent of the total cost of the project and that one of the reasons for this high overhead was the fact that foremen, timekeepers, etc. were on a straight salary basis instead of a per diem basis and were paid whether they worked or not. As few of those in a supervisory position come from the relief rolls, these high costs seem to be unjustifiable.

It is hoped that the Auditor General's Department may continue its audits with reasonable promptness as the moneys spent for relief purposes are larger in amount than the expenditures for all other purposes. We recommend that an appropriation be granted sufficient for this work.

The members of the Committee feel that relief projects would be more effective in their accomplishment and work done and in real benefit by submitting the same to contractors to be performed in accordance with general business rules.

As heretofore stated in this report, the committee has not completed its work. We submit this report at this time so that the General Assembly may take further action if it so desires on the whole subject at this Session.

Respectfully submitted,

MILES HORST, Chairman
WILLIAM J. EROE, JR.
JOSEPH DAVID BUSH
CHARLES H. EALY
N. B. RODGERS

Harrisburg, Penna., June 18, 1935.

Senator James E. Norton, a member of the Committee has been given leave of absence for the remainder of this Session. Before leaving he gave his assent to the above report in principle and to such part of the same as had been prepared prior to his departure.

I dissent from the suggestion of the majority of the Committee that the State Emergency Relief Board should be decentralized, that is, that the administration of relief should be delegated to local boards in the counties. At the hearings which the Committee hold, the most general objection raised was the alleged preferment that obtains in the distribution of positions in the local boards as visitors and minor executives. It seems very obvious that decentralization would conduce to the enlargement rather than the diminuation of this evil. I believe that the plan of the State Administrator of relief to set up advisory boards in each area to determine local policies will permit a sufficient exercise of local discretion to meet the objection of the majority of the Committee on this score.

JOSEPH DAVID BUSH

The undersigned members of the Committee would suggest the passage of an Act of Assembly at this time for decentralization of the administration of relief. We feel that the State Director of Relief is making an honest effort to cope with a difficult situation but the bureaucratic system which has been built up will make such effort to a great extent fruitless. If a local board with large powers and responsible to the appointing power or to the electors as the case may be, is created by law in each of the counties to begin functioning at a future time to be fixed by the Director of Relief under certain limits, we feel it will be a decided step toward reduction of the relief rolls and the cost thereof.

N. B. RODGERS
CHAS. H. EALY
MILES HORST
W. J. EROE, JR.

The PRESIDENT. The report will be made a matter of record in the Legislative Journal.

Mr. BATCHELOR. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset. Mr Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. BATCHELOR. Mr. President, I notice with respect to the recommendation in this report. the committee suggests the passage of an act at this time for the decenralization of the administration of relief. Do you believe that either one of the bills passed by this Senate sometime ago, either the bill known as the Woodward bill, or the bill I presented, would accomplish this purpose?

Mr. EALY. Mr. President, I have stated here a number of imes that I am opposed to the present system of administering relief. It have caused the establishment here in Harrisburg and throughout the counties of a great bureau, and I personally favor the passage of one of those bills which sometime ago passed the Senate with certain amendments. I personally feel that the time for the local boards to function should be put off to a time in the future after decentralization be completed—within a period of a month.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 17, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Frak W. Adams, 1050 Second Ave., Pittsburgh.
Thomas H. Harrison, 1310 Wylie Ave., Pittsburgh.
Miss Jeannette R. Simon, 1635 Fifth Ave., Pittsburgh

CENTRE COUNTY

Mrs. Jane E. Miller, Millheim.

CHESTER COUNTY

Everett J. Hoopes, Downingtown.

LACKAWANNA COUNTY

Wm. F. Erhardt, Jr., Olyphant.

LANCASTER COUNTY

Ben D. Witwer, Ephrata.

MERCER COUNTY

Miss Isabel Loch, Sharon.

MIFFLIN COUNTY

Edward A. Levey, Lewistown.

NORTHAMPTON COUNTY

Miss Frances H. Hess, Bethlehem.
Wm. H. Nagle, Easton.

PHILADELPHIA COUNTY

Miss Katharine J. Bartlett, Morris Bldg., Philadelphia.
Miss Mary G. Brogan, 5338 Vine St., Philadelphia.
James A. Drennen, 119 Ripka Av., Philadelphia.
Patrick F. McGlone, 4805 Gransback St., Philadelphia.
William Selmi, 1411 N. 52nd St., Philadelphia.
Earl Simms, 63rd and Oxford Sts., Philadelphia.
Mrs. Miriam Strohl, 400 N. Broad St., Philadelphia

SOMERSET COUNTY

Joseph E. Lohr, Central City.

WYOMING COUNTY

R. H. Fowles, Tunkhannock

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 18, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CHESTER COUNTY

Miss Alice S. Wray, Downingtown.

DAUPHIN COUNTY

Worthy G. Semmel, Harrisburg.
George H. Stein, Millersburg.

NORTHUMBERLAND COUNTY

Mrs. V. R. Grauer, Shamokin.

PHILADELPHIA COUNTY

Joseph A. Lynch, Phila. Public Ledger Bldg.

VENANGO COUNTY

Miss Kathryn G. Stanton, Franklin.

WARREN COUNTY

Walter R. McKown, Warren.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenhelm,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. BAUMER. Mr. President, I second the motion

The motion was agreed to.

RECESS

Mr. STAUDENMEIER. Mr. President, I move that the Senate do now take a recess for ten minutes to permit the Committee on Judiciary Special to hold a meeting.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

RESOLUTION RELATIVE TO APPOINTING COMMITTEE TO INVESTIGATE CHARGES OF SOLICITATION OF BRIBES BY "A SENATOR"

Mr. OWLETT offered the following resolution, which was twice read:

In the Senate, June 19, 1935.

Whereas, There appears in the Harrisburg papers today charges by Governor George H. Earle that "a Senator" solicited bribes from the Secretary to the Governor, Harry E. Kalodner, and Attorney General Charles J. Margiotti; now therefore be it

Resolved, That the president pro tempore of the Senate be, and he is hereby authorized to appoint a special committee of three Senators, to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate into the charges thus made by the Governor and all other matters of a similar nature, and all others having any bearing thereon which may come to the notice of the said committee; and be it further

Resolved, That such committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas shall be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

That said committee shall make report of its findings to the Senate during the present session or to any session hereafter. All of its powers shall continue after the close of the present session and until its final report is made.

Mr. OWLETT. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediat consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. HUFFMAN. Mr. President, instead of the resolution being read the second time, we would object until we have had a chance to see the resolution.

The PRESIDENT. Objection is made to the immediate consideration of the resolution.

Mr. OWLETT. Mr. President. I move that the rules of this Senate be suspended and the resolution be acted on immediately.

Mr. BATCHELOR. Mr. President, I second the motion

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognized the Senator from Tioga, Mr. Owlett, for the presentation of a resolution. Objection was made to immediate consideration, thereupon the Senator moved that the rules be suspended so that immediate consideration might be had. That is the motion now before the Senate.

Mr. HUFFMAN. Mr. President, we object to this motion to suspend the rules. The resolution as presented does not clearly fit this case, and the resolution ought not to be adopted, that being so, we do not wish to suspend the rules for the purpose of having this resolution considered at this time.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Monroe, Mr. Huffman, explain to the Senate wherein this resolution does not meet the situation?

Mr. HUFFMAN. Mr. President, this resolution, as drafted, as I have said, does not fit the case, because it is intended to get into this proposed invesitgation matters

other than the matters before the Senate. That is one of the objections.

Mr. OWLETT. Mr. President, is there any place where, in the opinion of the Senator from Monroe, Mr. Huffman, it does not meet the situation?

Mr. HUFFMAN. Mr. President, another objection is that an investigation of this kind should not be confined to three men.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe if it is not a fact that I agreed with him to make it five members, if that is what he wishes.

Mr. HUFFMAN. Mr. President, yes, the Senator from Tioga, Mr. Owlett, did so agree.

Mr. OWLETT. Mr. President, I would like to call the Senate's attention to the fact that this resolution says "that the President Pro Tempore of the Senate be and he is hereby authorized to appoint a special committee of three Senators to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate into the charges" made in the Harrisburg newspapers by Governor Earle that a Senator solicited bribes from the Secretary to the Governor, Harry E. Kalodner, and Attorney General Charles J. Margiotti, and that the charges thus made by the Governor and all other matters of a similar nature having any bearing thereon which shall come to the notice of said committee.

Mr. President, now it cannot be that the Senator from Monroe, Mr. Huffman, wants this committee's hands tied so that they can only hear Mr. Margiotti. This ought to be gone into thoroughly.

Mr. HUFFMAN. Mr. President, the Senator from Tioga, Mr. Owlett, is too good a lawyer, he is so good a lawyer that he ought not to try to have this Senate believe that this resolution is confined, or intended to confine this investigation to the activities of one Senator, and I am objecting very strenuously on that account, and I am asking the Senate to vote down this resolution and we will present a proper resolution on the matter.

Mr. THOMPSON (Centre). Mr. President, it has not been a week since we listened to our Republican colleagues objecting to amendments to Senator Batchelor's resolution, which amended the resolution to include other matters than as originally proposed in the Batchelor resolution. The cry from the other side of the House at that time was "do not confuse the issue", and, I submit, Mr. President, under this resolution as introduced and as it is before the Senate at this time, the resolution is deliberately calculated, if possible, to confuse the issues upon which this resolution is based, and, if possible, to make a whitewash investigation out of this case.

In addition to that, I object to this resolution because it allows the investigation to lie over almost indefinitely, until the regular Session of the Legislature in 1937. This Senate should investigate this matter thoroughly at this time.

Furthermore, Mr. President, this investigation should not be confined to any three, or even five members of this State Senate. There is only one way to conduct this investigation satisfactorily, and that is to conduct it by a committee of the whole, and after this resolution is disposed of, I propose to offer another resolution to investigate this matter by a committee of the whole of the Senate. I am just as much interested in listening to this testimony, or whatever may be produced, as is any other member of the State Senate, and every member of the State Senate should be interested in hearing this testimony and assisting in this investigation. Mr. President, I submit that this resolution, as it is before the Senate at this time, should be voted down and that the way to do that at the present time is to vote against this motion to suspend the rules.

Mr. REED (Dauphin). Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr Thompson, permit himself to be be interrogated?

Mr. THOMPSON (Centre). Mr. President, I will.

Mr. REED (Dauphin). Mr. President, I desire to ask the Senator from Centre, Mr. Thompson, whether he can point to any precedent either in the National legislative bodies, or in the State legislative bodies, where an investigation was conducted by a Committee of the Whole.

Mr. THOMPSON (Centre). Mr. President, in answer to the Senator from Dauphin, of course, I am not familiar enough off-hand with the history of investigations of legislative bodies to answer that question "yes" or "no", Mr. President, I do know that this investigation should be conducted by this Senate.

Mr. OWLETT. Mr. President, I resent and resent thoroughly the charge by my colleague from Centre, Mr. Thompson, that this is a method to whitewash this man. There have been altogether too many of those loose charges made by he gentlemen on the other side. When a resolution of this serious character is introduced in this Senate, I say that no member has a right to say that it is merely for the purpose of whitewashing. With all the accusations that have gone around this body during this session, with the spectacle we have had of the Governor's Secretary and the Chairman of the State Committee parading up and down the aisles while votes were being taken, and then to come in here and say that this is a whitewash resolution.

Now, let us have an investigation and a real one by the Senate, and we are going to do it without having the Governor come over here and tell us what we must do. This is a legislative body, a legislative body elected by the people of this State. This Senate has been accused of doing pickpocketing and everything else, because we exercised our inalienable right to use our own judgment on legislative matters, and I say let us use our own judgment in this matter, and even if Mr. Kalodner is not satisfied to have this committee investigate this case, even if they do want to make it a political holiday, let us pass this resolution and pass it now.

Mr. REED (Dauphin). Mr. President, I simply desire to say, after having made some investigation, that so far as my investigation goes, investigations of this character have always been made either by being referred to standing committees, or special committees, to make the investigation. I am certain that that has been the usual practice, if it has not been the universal practice. Charges are now made, coming from the office of the Governor, and I say that the only fair way to have an investigation is to have a committee appointed which would honestly make that investigation, and that is precisely the purpose of this resolution.

Mr. HUFFMAN. Mr. President, I wish the Senate would not deviate from the question before this Senate; and incidentally, I say that the Secretary to the Governor has the right under the rules, and by precedent, to come into this Senate. That is recognized in every legislative body,

and it comes with poor grace—I do not want to say much about this—but it comes with poor grace from the gentlemen from the other side to say that the Secretary of the State Committee comes into this body. Why, from time immemorial, the Secretary of the State Committee of the Republican Party has been in this House and in the other House and has directed, in a degree that I have never seen any Democratic Administration direct.

The matter before the Senate is the character of the resolution, and I say that the Senator from Tioga, Mr. Owlett, is too good a lawyer to try to foist on this Senate this character of resolution to investigate this one subject. It is not intended to investigate the thing before the Senate. It is intended to investigate any man and any subject. What we want to do is to investigate the charge that has been made and nothing else, and I ask the Senate to vote down the motion.

Mr. SHAPIRO. Mr. President, the applause of the speakers on either side of this particular situation does not solve this problem. It is a very serious charge, and it is the duty of this Senate to see to it that this matter is thoroughly investigated. I have listened to the resolution and I notice the words "and other similar charges" inserted in the resolution. I think if this Senate wants to do justice to itself, it must confine this particular investigation to this particular charge, and there ought to be no words in this resolution which give the opportunity for anyone to think that other matters can be mixed up with this. It is my opinion, these other charges we have had here, charges concerning rumors and suggestions, should not be mixed up with this. As I read this statement, there is a specific charge made that there was a a certain thing said and done, and it seems to me, whether it is true or not, it is a very serious matter. It certainly ought not be allowed to go unchallenged, there ought not to be any feeling about it. I desire, therefore, to ask the Senator from Tioga, Mr. Owlett, whether he will agree to the elimination of those words from the resolution, which, in my opinion, make it possible for the matters to cover more than the particular subject which we are unfortunately now engaged in discussing

Mr. OWLETT. Mr. President, there is a motion now before this Senate, and in answer to the suggestion of the Senator from Philadelphia, Mr. Shapiro, I wish to state that this resolution, in order to give this committee full power to investigate this entire matter, that no part of it should be deleted, and I cannot accede to his request. It seems to me that this committee wants to make an investigation in this matter and they should not be so confined that it can only hear Mr. Margiotti's charges against this Senator, whoever he may be.

The PRESIDENT. The Chair points out that the resolution is not before the Senate. The motion before the Senate is to suspend the rules so that the resolution may be considered.

Mr. SHAPIRO. Mr. President, the resolution reads: "Resolved that the President Pro Tempore of the Senate be, and he is hereby authorized to appoint a spcial committee of three Senators, to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate into the charges thus made by the Governor, and all others having any bearing thereon." Now I would suggest that the resolution read as follows: "to conduct an immediate, diligent and thorough investigation into the matter that is charged and having any bearing thereon." That would give the committee the right to call not only Mr. Kalodner or anybody else, and would not preclude or restrict the committee in any way. In view of the words "other matters of a similar nature", in my opinion, enlarges the scope, whether it be the purpose or not. I have no doubt it is unintentional, but it enlarges the scope of this investigation and because of the seriousness of the situation, if I myself were involved, I would not want those words in there. I ask the Senator from Tioga again whether those words should not be taken out.

Mr. BUCKMAN. Mr. President, may I suggest to the Senate, and especially the Senator from Philadelphia, Mr. Shapiro, that if the rules are suspended in accordance with the motion of the Senator from Tioga, Mr. Owlett, that the resolution would then be on the desk of the President and before the Senate for such action as it may take, including the matter of amendment, but as it stands now it is not before the Senate, unanimous consent having been refused and the motion now pending before the Senate is to bring the resolution before the Senate in order that it may be disposed of, either by amendment, or referring it to committee, pass it, or anything else, and it may be that the amendment suggested by the Senator from Philadelphia, is entirely proper, that the question cannot be raised at this time, until the rules are suspended in order that the resolution may be considered by the Senate.

Mr. SHAPIRO. Mr. President, I am trying to get information, to guide myself as to how I shall vote on this resolution. I am looking a little further than the mere suspension of the rule, and if I had the word of the sponsor of the resolution that the words will be taken out. I think it would perfectly useless to go through a lengthy an involved an equal procedure.

Mr. HARRIS. Mr. President, as the Chair has already ruled, this entire discussion is out of order; there is only one motion before the Senate at this time, and that is a motion to suspend the rule. I have no desire to shut off debate, but all remarks on this resolution should come after the vote to suspend the rules. The only question now is the motion to suspend the rules, and I ask that further debate be prohibited.

Mr. CAVALCANTE. Mr. President, I have a few words to say as to why this motion to suspend a rule ought to be defeated. From the floor of this Senate the sincerity and the honesty of the Governor of this State have been attacked. Not only in the discussion that has just taken place but at other times, from the mouth of the Senator from Tioga, Mr. Owlett, has come the statement that the charges are loose charge —

POINT OF ORDER

Mr. BATCHELOR. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Beaver, Mr. Batchelor, will state his point of order.

Mr. BATCHELOR. Mr. President, nothing is debatable here at all except this motion to suspend the rule. The Governor has not anything to do with that.

The PRESIDENT. It is the opinion of the Chair that the statement of the gentleman who made the motion, with reference to the subject, had to do with the motion amending. The statement of the Senator from Fayette, Mr. Cavalcante, is along that line and is in order.

Mr. CAVALCANTE. Mr. President, my good friend from Dauphin, Mr. Reed, seems too to be highly excited

about charges made by the Governor. Now, Mr. President, if the Governor is insincere in his charges, if there is no foundation for the Governor's charges, then, Mr. President, this motion—

POINT OF ORDER

Mr. BATCHELOR. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Beaver, Mr. Batchelor, will state his point of order.

Mr. BATCHELOR. Mr. President, I still maintain that the gentleman is not discussing the motion.

The PRESIDENT. The point of order is not well taken.

Mr. BATCHELOR. Mr. President, I appeal from the decision of the Chair.

Mr. CAVALCANTE. Mr. President, this motion should be defeated, and the Governor asked, and the Attorney-General asked, to come in here, before this body, at this time, to defend their integrity, and to defend the charge made here that they are insincere, and that the charges made by the Governor and by the Attorney-General are loose.

The PRESIDENT. The motion is to suspend the rule, so that the resolution of the Senator from Tioga, Mr Owlett, may be considered.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. BATCHELOR and were as follows, viz:

YEAS—26.

Aron,	Coyne,	Hunsicker,	Salus,
Batchelor,	Ealy,	Mallery,	Sordoni,
Bean,	Gelder,	McClure,	Staudenmeier,
Bennett,	Graff,	Owlett,	Thompson,
Buckman,	Harvey,	Pierson,	(Westmoreland)
Chapman,	Homsher,	Reed,	Woodward,
Clark,	Howell,	(Dauphin)	Ziegenheim,

NAYS—23.

Baumer,	Law,	Rankin,	Rupp,
Cavalcante,	McCreesh,	Reed,	Shapiro,
Frey,	McGinnis,	(Washington)	Sones,
Harris,	Miller,	Rice,	Thompson,
Huffman,	Prince,	Roberts,	(Centre)
Kahle,	Pytko,	Rodgers,	Trainer,
Lanius,			

So the question was determined in the negative.

The PRESIDENT. Rule 29 provides that "The consent of two-thirds of the members present shall be necessary to dispense with any rule." The motion is therefore not agreed to.

Mr. BUCKMAN. Mr. President, I move that the resolution be referred to the Committee on Judiciary General

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I transmit herewith a copy of a letter received today from the Attorney General, which is self-explanatory.

The Attorney General advises me that he is prepared to submit immediately for the consideration of your Honorable Body, the "unimpeachable and irrefutable evidence regarding the conduct of Senator William H. Clark" referred to in his letter.

I most respectfully urge your immediate consideration of the subject matter of this communication.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1935.

Honorable George H. Earle,
Governor of Pennsylvania,
Harrisburg, Pa.

Your Excellency:

Last week I was approached by Senator William Clark, Chairman of the Senate Appropriations Committee. He made the proposition that he would exert his influence to report out and pass certain appropriation bills then pending before the Senate Appropriations Committee in exchange for the assurance that he would continue to receive certain State insurance business which he had received from the previous administration.

I reported this conversation to your Excellency and was instructed by you to obtain unimpeachable and irrefutable evidence regarding Senator Clark's conduct. I now have such evidence in my possession.

It is my opinion that Senator Clark's conduct in this instance is most reprehensive and a violation of his Constitutional oath. I recommend that you immediately bring these facts to the attention of the Senate of Pennsylvania.

Respectfully submitted,

(Signed) CHARLES J. MARGIOTTI,
Attorney General.

Mr. THOMPSON (Centre). Mr. President, as I indicated in my former remarks, I have here a resolution to present, bearing upon this matter concerning which we have just received a communication from the Governor. When this resolution was drafted it was drafted rather in view of the statements of the press—rather more so than in contemplation of a communication from the Governor; so, possibly, the wording of the resolution, while it comprehends the same matter, which is before the Senate, is not quite in conformity with the present situation. I do, however, in connection with the offering of this resolution, desire to read the statements that were read to the press—

Mr. BUCKMAN. Mr. President, will the Senator yield for a minute? It seems to me it would be in order to dispose of the communication from the Governor before taking up the other matter. I therefore move that the communication from His Excellency the Governor be referred to the Committee on Judiciary General.

Will you pardon the interruption, Senator?

Mr. BUCKMAN. Mr. President, it seems to me to be in order to dispose of the communication of the Governor before taking up new matters. I therefore, move that the communication of His Excellency the Governor of the Commonwealth be referred to the committee on Judiciary General.

Mr. THOMPSON (Centre). Mr. President, I object to this. I had the floor, and was proceeding.

The PRESIDENT. That is right; the Senator from Bucks, Mr. Buckman, was not recognized by the Chair; the Senator from Centre, Mr. Thompson, did not yield the floor, and will proceed.

Mr. THOMPSON (Centre). Mr. President, the statement which I am about to read is the correct statement which was made by the Governor to the press this morning; and it reads as follows:

To the Representatives of the Press, Gentlemen:

This is a most grave matter that I am taking up with you today. A few days ago, two members of my Cabinet, the Attorney General and my Secretary, Mr. Kalodner, reported to me that a Senator of the Commonwealth of Pennsylvania had solicited bribes from them.

Remembering my campaign pledges to clean out graft in the State Government in so far as it was possible for me to do so, and remembering my oath of office, there was but one course open to me. I, therefore, instructed the Attorney General and my Secretary to get absolutely irrefutable evidence of this solicitation of a bribe.

Since this Senator in question belongs to the opposite party, I felt it advisable, as I have said, to get absolutely irrefutable evidence, otherwise the charge might be made that it was a political frameup.

This was a very unpleasant duty for my Attorney General and my Secretary to perform in such an unsavory matter but they had absolutely no choice, as I gave them my explicit instructions.

This evidence, absolutely certain and irrefutable, has been obtained. It is perfect human evidence and perfect mechanical evidence. Whatever sympathy I may have had for this Senator was dispelled by the fact that on more than one occasion during the discussion between this Senator and my Attorney General and my Secretary, the Attorney General called the attention of the Senator to the fact that his proposal was absolutely unlawful. In spite of that fact, the Senator practically admitted that he realized that it was unlawful but persisted in his proposal.

Now, gentlemen, I am turning you over to the Attorney General. First of all, I have instructed the Attorney General to lay all this evidence before the Senate of Pennsylvania immediately and I am turning you over to him with my instructions to him to give you every bit of the evidence in this matter. The only comment I have to make is that I am terribly sickened by the whole matter.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, there is nothing before the Senate at this time.

Mr. THOMPSON (Centre). Mr. President, I offer the following resolution, and move its immediate consideration.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, there is a communication now pending before the Senate.

The PRESIDENT. The Chair would like to find out whether the resolution offered has any relation to the communication from the Governor. If it has, it is perfectly in order, just the same as the motion of the Senator from Bucks, Mr. Buckman, to refer the Governor's communication to a particular committee.

Mr. BUCKMAN. Mr. President, I would suggest that the resolution be read for the information of the Chair and the Senate.

The resolution was read as follows:

In the Senate, June 19, 1935.

Whereas, There appears in the Harrisburg papers today charges made by the Governor, George H. Earle, that a Senator solicited bribes from the Secretary to the Governor, Harry E. Kalodner, and Attorney General, Charles J. Margiotti; now therefore be it

Resolved, That he Senate resolve itself into a committee of the whole to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate into the charges thus made by the Governor; and be it further

Resolved, That subpoenas may issue under the hand and seal of the Secretary of the Senate at the request of any Senator commanding any person or persons to appear before the Senate to answer such questions touching matters properly to be inquired into and to produce such books, papers and all other records as a committee may deem necessary. Such subpoenas shall be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of the Commonwealth. Each member of the Senate shall have the power to administer oaths and affirmations to witnesses appearing before the Senate and any person who shall wilfully neglect to appear or testify or to produce any books, records or documents shall be subject to the penalties provided in such cases; and be it further

Resolved, That the said investigation be made a special order of business and that immediately upon the completion of the investigation, a report shall be forthwith drafted for action by the Senate thereon.

The PRESIDENT. The Chair is of the opinion that the resolution bears directly on the report and communication from the Governor.

Mr. BUCKMAN. Mr. President, I move that the communication from His Excellency, the Governor, together with the resolution offered by the Senator from Centre, Mr. Thompson, be referred to the Committee on Judiciary General.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to know if the Senator from Bucks, Mr. Buckman, is not the chairman of that committee, the Committee on Judiciary General.

Mr. BUCKMAN. Mr. President, if the Senator from Fayette, Mr. Cavalcante, does not know that, I will inform him that I am.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

Mr. THOMPSON (Centre). Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended for the purpose of considering this resolution at this time.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that the motion of the Senator from Centre, Mr. Thompson, is out of order; there is a motion pending—my motion that the communication from His Excellency the Governor, together with the resolution offered by the Senator from Centre, Mr. Thompson, be referred to the Committee on Judiciary General.

The PRESIDENT. The motion of the Senator from Bucks, Mr. Buckman, was made after the presentation of the resolution by the Senator from Centre, Mr. Thompson.

Mr. BUCKMAN. Mr. President, my motion was made before the Senator from Centre, Mr. Thompson, made any motion.

The PRESIDENT. No, the Senator from Centre, Mr. Thompson, was handling his resolution at the time, and the Chair should have asked for the Senate to act on the question of unanimous consent for immediate consideration.

Mr. BUCKMAN. Mr. President, that request was later made and refused.

The PRESIDENT. Objection was made.

Mr. BUCKMAN. Mr. President, in the meantime my motion was made and was seconded.

The PRESIDENT. The Chair suggests that if the Senator from Bucks, Mr. Buckman, will go back in his mind, he will remember that the Chair did not recognize him when he made the motion.

Mr. BUCKMAN. Mr. President, I do not so remember.

The PRESIDENT. The Senator from Centre, Mr. Thompson, was on his feet at the time.

POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, the motion made by the Senator from Bucks, Mr. Buckman. is out of order. Either this resolution must go to a committee under the rules or be immediately considered, or the rules, of course. be suspended.

Mr. THOMPSON (Centre). Mr. President, just to review the parliamentary situation a little bit, the members will recall that in offering this resolution I moved its adopton. The adopton was seconded by the Senator from Allegheny, Mr. Frey, and I asked for unanmous consent for immediate consideration. The Senator from Bucks, Mr. Buckman, without recognition from the Chair then made the motion which was subsequently ruled out of order. Before any subsequent motion of any kind was made I then moved that the rules be suspended, so that the resolution might be considered at once. This likewise was seconded by the Senator from Allegheny, Mr. Frey; and I submit to the Chair that the only thing in order is the question as to the suspension of the rules, and upon it I would request a roll call.

Mr. SHAPIRO. Mr. President, the resolution suggests a very serious matter, in which we are engaging, however, in some unnecessary horse play. It does not make any difference, to my mind, where the resolution goes, whether it goes to Judiciary General or remains on the floor; it is on the record now and has served its purpose. We received a letter from the Governor, and that is on the record now. and is in full force and effect. I suggest that the members of the Senate get down to businss and let the letter and the resolution go wherever they please.

The PRESIDENT. The motion before the Senate is to suspend the rules so that the resolution presented by the Senator from Centre, Mr. Thompson, may be considered immediately

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON (Centre) and Mr. FREY, and were as follows, viz:

YEAS—23

Baumer,	Law,	Rankin,	Rupp,
Cavalcante	McCreesh,	Reed,	Shapiro,
Frey,	McGinnis,	(Washington)	Sones,
Harris,	Miller,	Rice,	Thompson,
Huffman,	Prince,	Roberts,	(Centre)
Kahle,	Pytko,	Rodgers,	Trainer,
Lanius,			

NAYS—25

Aron,	Coyne,	Hunsicker,	Sordoni,
Batchelor,	Ealy,	Mallery,	Staudenmeier,
Bean,	Gelder,	McClure,	Thompson,
Bennett,	Graff,	Owlett.	(Westmoreland)
Buckman,	Harvey,	Pierson.	Woodward,
Chapman,	Homsher,	Reed,	Ziesenheim,
Clark,	Howell,	(Dauphin)	

So the question was determined in the negative.

Mr. BUCKMAN. Mr. President, I move that the resolution of the Senator, Mr. Thompson, and the communication from His Excellency, the Governor, be referred to the Committee on Judiciary General.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, thirty-two Senators voted in the affirmative and nine in the negative, whereupon the question was decided in the affirmative.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 117

The Clerk of the House of Representatives being introduced presented communication from the House of Represenatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 117, entitled:

An Act to regulate the sale and delivery of solid fuel as herein defined; providing for appointment of licensed weighmaster; prescribing their powers and duties; imposing certain duties on the Department of Internal Affairs, and providing penalties.

REPORTS FROM COMMITTEES

Mr. CLARK. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK, from the Committee on Appropriations, reported as amended, Senate Bill No. 1703 (House Bill No. 2961), entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same and to make a general survey of the steel industry and making an appropriation.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 339 (House Bill No. 759), entitled:

An Act making an appropriation for the payment of the expenses of the committee of the House of Representatives created to make an audit inventory and investigation of the liquor store system and to investigate other facts and circumstances surrounding the liquor store system and authorize said committee to fix the compensation of persons employed by it.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1672 (House Bill No. 2600), entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1332 (House Bill No. 2037), entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly."

Mr. GRAFF. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 1715 (House Bill No. 2319), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining and regulating fish-bait providing additional penalties for possession of fish during closed season providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses declaring unlawful certain methods of fishing fixing license fees for outlines providing for naturalized foreign born resident's licenses and licenses lost or destroyed providing for tourist licenses for non-residents and alien non-residents and fixing fees therefore providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons and extending the right to set aside certain waters for nursery waters.

Mr. TRAINER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER, from the Committee on Judiciary Special reported the following Resolution which was laid on the table:

INVESTIGATION OF GOVERNOR'S REMARKS TO SENATE FINANCE COMMITTEE RELATIVE TO BILL TO TAX CHAIN STORES

In the Senate, June 12, 1935.

Whereas, During a visit paid by the Members of the Finance Committee of the Senate of Pennsylvania to Governor George H. Earle at his office in the State Capitol, Tuesday, June 11, the Governor in a discussion of tax bills suggested an investigation into what he termed "ugly rumors" concerning the attitude of Senators upon pending legislation known as the bill to tax chain stores, and

Whereas, The remarks of Governor George H Earle have been given great prominence in the newspapers of Pennsylvania today and constitute a reflection upon members of this body, making it imperative that the facts upon which any such statement as made by Governor George H. Earle should be made known to the Senate, now therefore be it

Resolved, That the Senate of Pennsylvania hereby respectfully requests Governor Earle to submit to the Senate in writing any information he may possess as a foundation for the remarks made by him at his conference with Members of the Finance Committee of the Senate of Pennsylvania on Tuesday, June 11.

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER, from the Committee on Highways re-reported as amended, Senate Bill No. 1490 (House Bill No. 2048), entitled:

An Act to amend Sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes

Also from the Committee on Appropriations, re-reported as amended, Senate Bill No. 1613 (House Bill No. 1857), entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and adding certain new routes

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 22

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of the report of the Committee of Conference on Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing

certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 22

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 22, entitled:

"AN ACT

To provide for the permanent registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," respectfully submit the following bill as our report:

GEORGE L. REED,
JAMES E. NORTON,
HERMAN E. BAUMER,
Committee on the part of the Senate.

JOHN J. O'KEEFE,
W. J. EROE, JR.,
Committee on the part of the House of Representatives.

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November election" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public Office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons

to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Chief Clerk as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths to sign vouchers and to register qualified electors who apply at the office of the commission for registration

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens

which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk of the commission or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have two registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth of the two registrars who shall sit in each election district prior to September fourth in the year one thousand nine hundred and thirty-five one shall be a member of the party enrolling the largest number of voters within the election district for the preceding November election and the other shall be a member of the party enrolling the second largest number of voters within the election district for such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth one thousand nine hundred and thirty-five in which case the commission may appoint any qualified person

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one thousand nine hundred and thirty-five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants To Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete Or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal Or Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer Of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change Of Enrollment Of Political Party Cancellation Of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports Of Deaths From Registrars Of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up Of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass Of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which

he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts but of the two special inspectors canvassing any election district one shall be a member of the party polling the highest vote within such district at the last preceding November election and the other shall be a member of the party polling the second highest vote within the district at such election Each such person shall be suggested in writing by the county chairman of his party unless such county chairman fails to make such suggestion within thirty days after written notice is given by the commission in which case the commission may appoint any qualified person

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions To Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have last his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election

or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal And Preservation Of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals To Court Time Of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal

costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production Of Documents Et Cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subponea certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially atlers or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entidety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of

March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

Section 42 Effective Date This act shall become effective July first one thousand nine hundred and thirty-five

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Hensher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 566 (House Bill No. 228), as follows:

An Act to amend the definitions of "common carrier" and "conveyance of passengers or property" contained in section one of article one of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by exempting the conveyance of perishable food products milk and used household furniture from regulation by the Commission in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the definitions of the term "common carrier" and the term "conveyance of passengers or property" contained in section one of article one of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act deregulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilties of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penal-

ties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" are hereby amended to read as follows

The term "Common Carrier" as used in this act includes any and all common carriers whether corporations or persons engaged for profit in the conveyance of passengers or property or both except persons engaged occasionally in the conveyance of perishable food products and persons engaged occasionally or regularly in the conveyance of milk received from the producer thereof between points within this Commonwealth and except persons engaged occasionally in the conveyance of used household furniture from point to point within one county by through over or under land or water or both

The term "Conveyance of passengers or property" as used in this act includes any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering of property baggage or freight except perishable food products furniture and milk as herein before excepted as well as any and all service in connection with the transportation or carrying of passengers

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Batchelor,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Washington)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. COYNE. Mr. President, I desire at this time to call up Senate Bill No. 1581. This is an emergency bill for Allegheny County.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1581, entitled:

An Act to enable county commissioners in counties of the second class to issue, sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1181 (House Bill No. 926), as follows:

An Act to amend section five hundred and eighteen of the act apporved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments providing for the payment of taxes under protest and restricting the expenditure of such tax moneys regulating the refunding of taxes after the disposition of appeals conferring powers upon courts of common pleas and providing for the disposition of funds heretofore paid into court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subject property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal [Payment Into Court] Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agent or attorney setting forth the facts of the case and thereupon the coudt shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter omplained of as to the judges of said court may see just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from [into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax] to the tax collector under protest in writing in which case when the tax is paid over to the taxing district it shall be the duty of the tax collector to notify the taxing district of such payment under protest by delivering to it the protest in writing Whereupon the taxing district shall be required to segregate twenty-five per centum (25%) of the amount of the tax paid over and shall deposit the same in a separate account in the depository in which the funds of the taxing district are deposited and shall not be permitted to expend any portion of such segregated amount unless it shall first petition the court alleging that such segregated amount is unjustly withheld Thereupon the court shall have power to order the use by the taxing district of such portion of such segregated amount as shall appear to said court to be reasonably free from dispute and the remainder of the segregated amount [paid in] shall be held [by the court] segregated by the taxing district pending the final disposition of the appeal Provided further That upon final disposition of the appeal the amount found to be due the appellant as a refund shall also be a legal set off or credit against any future taxes assessed against the appellant by the same taxing district and where a taxing district alleges that it is unable to thus credit all of such refund in one year the court upon application of either party shall determine over what period of time such refund shall be made and shall fix the amount thereof which shall be credited in any year or years This proviso shall be construed to apply to all refunds that are now due or may hereafter become due as the result of appeals from assessments that have not been finally determined or adjusted at the time this act takes effect regardless whether there has been a payment of any moneys into court or to the tax collector under written protest

Section 2 This act shall become effective immediately upon final enactment

Section 3 Where under the provisions of the existing law any appellant has heretofore paid any tax into court pending the disposition of an appeal the court shall upon application of the taxing district order the payment to the taxing district of the total amount of such fund and wenty-five per centum (25%) thereof shall be segregated and deposited by the taxing district in like manner and subject to like proceedings as hereinbefore required in the case of payments by appellants under protest

And he amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Dean,	Homsher,	Pierson,	Salus,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Trainer,
Ealy,	Mallery,	(Washington)	Woodward,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—2.

Shapiro,	Thompson, (Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1229, (House Bill No. 2056), as follows:

An Act to amend sections one and three of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" by creating the Highway Mining Commission with judicial powers to have exclusive jurisdiction over the mining of coal within or under State highway routes and the assessment and award of damages for coal required to be left in place and benefits for improvements and excepting from the provisions of the act counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmbly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1409) entitled "An Act authorizing the Secretary of Highways to enter into agreements re-

lating to support for State highway rights of way underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining commission hereinafter created upon application of the Secretary of Highways the county or [is hereby authorized to enter into agreements with] the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages [specifying] is hereby authorized and empowered to determine and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal of any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both verticale and lateral support to such highway and the party or parties by whom the expense thereof shall be paid the President Judge of the Court of Common Pleas of the county in which the highway is situated who shall be the Chairman thereof one member of the Public Service Commission or an engineer designated by it the Secretary of Mines or his designated representative the Secretary of Highways or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This Commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterment to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the Court of Common Pleas of the county in which the highway is situated a majority of the Commission of which the Chairman must be one may act for and exercise the powers of the Commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of Courts of Common Pleas

Section 2 That section three of the said act is hereby amended to read as follows

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligations did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of [laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement] this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This Act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section 3 This act shall not apply in counties of the second class

Section 4 This act shall become effective immediately upon its final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49.

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsner,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenhelm,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graf,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1552, (House Bill No. 1133), as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand four hundred and seventy-two dollars and seventy-five cents ($1,472.75) or so much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be paid to the treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,		
Coyne,	Mallery,		

Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. McCREESH. Mr. President, I desire at this time to call up Senate Bill No. 1510

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, this bill is an exact copy of Senate Bill No. 178, introduced early in this Session. With only a few exceptions, it is an exact copy of that bill. That committee, after a full hearing, indefinitely postponed this bill. Therefore, another bill was prepared and introduced, Senate Bill 1510, and referred, instead of to the Committee on Public Health, to the Committee on Agriculture.

Mr. President, and members of this Senate, at the risk of unduly taking your time, I will be compelled to tell the members about this bill and its history. This bill was written by Mr. Wilbur K. Moffitt, Director of the Bureau of Milk Control in the Department of Health. I believe, Mr. President, that there has never been a greater effort on the part of any Bureau of this Commonwealth than was put forth by Mr. Moffitt in connection with this bill. This campaign of Mr. Moffitt to have this legislation enacted culminated on June 12, with the placing in every member's post office box of a tirade directed at me. I am told that other members of this Senate have been threatened by Mr. Moffit, and his colleagues they have threatened to go into their districts and oppose them if they voted against this legislation. Mr. President, this bill places in the hands of one Bureau Chief in this Capitol absolute control over the milk industry of Pennsylvania. It has been represented that this bill was put in this legislature for the purpose of taking control of ice cream and ice cream manufacturers. Those of us who have watched milk control legislation have repeatedly told Mr. Moffit that if he put in an amendment to the present law giving him control over ice cream and ice cream makers, we would not object, but he refused to do that, and instead worked up this bill. He represented to the committee that this bill was prepared by the previous administration and inquiry of this immediate previous administration was that he consulted them on one or two paragraphs of the bill, but outside of that he never saw them. The bill would give the right to Mr. Moffitt to establish rules and regulations of the Department, and if they are not complied with the offenders could go to jail or pay a fine of one hundred dollars. That would permit them to seize their milk and destroy it if it is considered unfit, without any appeal, without any compensation to the farmers.

Mr. President, in addition, this bill provides, if strictly interpreted, that if the name of the manufacturer is not borne on the dish of ice cream when it is served in a restaurant, it is a violation of this act and subjects the seller to a fine of one hundred dollars. This bill gives authority to Mr. Moffitt to approve any kind of a farm appliance in connection with a dairy farm. You can go into a farm or dairy that persists in the use of a certain type of equipment as against any other manufacturer. He may refuse or revoke permits and put people out of business even though they appeal to the courts. Just as I said, he may approve or disapprove or dictate plans for milk plants, he may make all sorts of regulations. In addition he may seize farmer's milk and destroy it without compensation.

Mr. President, I say that this bill, if enacted into law, puts this one man in control of the milk industry of Pennsylvania, and I cannot help but call this Senate's attention to the fact that the time has come when the Bureau Chief should not be permitted to go around this body and try to intimidate members of this Senate. We had another example just the other day, in the case of this stream pollution bill, where, after it was defeated, Mr. Grover C. Ladner, who has been for years the attorney for the Izaak Walton League, sends out at the expense of this State, over his own signature, to the sportsmen of this State, a list of Senators and tells them that when they come up for re-election, see that they get what they deserve."

Mr. President, this is another example of what you see on all hand, you establish a Bureau and give it a little power, and the first thing you know they reach out and control everything. I am just as much for pure cream and pure milk products, and pure ice cream as any member in this Senate. I have no interest in this other than seeing that the dairy farmers of this State are protected.

The Grange of Pennsylvania is opposed to this bill, every farm organization in the State is opposed to the bill, except Mr. Moffit's own organization, and I say members of this Senate, that this bill ought to be treated as any other bill should be treated when they attempt to force a bill through this Senate by methods of intimidation.

MOTION TO RECOMMIT BILL

Mr. President, I move that this bill be recommitted to the Committee on Agriculture.

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the Motion?

Mr. WOODWARD. Mr. President, we are not allowed, I understand, to discuss the merits of the bill.

The PRESIDENT. Not under the motion.

Mr. WOODWARD. Mr. President, then I would like to say, I do not know Mr. Moffit, but I am against every member of the Executive appointment, have no interest in any of them, and, therefore, I would vote to sustain the motion on that principle.

Mr. REED (Washington). Mr. President, according to

the record, this bill was introduced by Senator Clerk on May 29, 1935, then referred to the proper committee and after some deliberation it was reported to the floor of this Senate. I think it was recommitted and it is now again before the members of this Senate for final action. This is a very important bill, important to the people of this Commonwealth in many respects and on that account it should not be recommitted at this time because if it is, final action will not be had on this bill during this Session. I understand that this bill is sponsored and favored by the medical profession of this State, I understand that the Tuberculosis League of this State is favorable to it and I understand that many groups are favorable to it. Now, no bill can be drawn so that it pleases all and on that account this important bill should be given the right to be fully discussed on the floor of this Senate, and every member herein should have the right to vote either for or against this bill.

I do not know any of the men that Senator Owlett refers to. I voted the same as he did on the stream pollution bill. I am only speaking for the people of this Commonwealth on a measure which I deem is of very prime importance. I repeat, if this bill goes back to Committee, we will not have the right to give our approval or disapproval to this important measure. I am unalterably opposed to this bill going back to committee at this time.

MR. PRINCE. Mr. President, this is a bill to prevent unwholesome and unhygenic conditions in the ice cream industry, the same as No. 178. This bill was amended almost expressly by those interested in the public welfare. It is precisely the same kind of a bill; it is a health measure.

Mr. RICE. Mr. President, The Senator from Tioga, Mr. Owlett, made his remarks before he made his motion to recommit the bill and discussed the merits of the bill. That puts the Senators who are in favor of the bill at a considerable disadvantage, as on the motion to recommit the bill the merits of the bill are not debatable. If this bill is sent back to committee, of course, the bill is dead. I request the Senators to vote down this motion to recommit, so that this bill may be put forth before the body and discussed from both sides as there are many things to be said in favor of the bill and all that we are permitted to hear is the discussion against the bill.

And the question recurring,

Will the Senate agree to the bill?

The yeas and nays were required by Mr. McCREESH and Mr. REED (Washington) and were as follows, viz:

YEAS—23

Aron,	Coyne,	Howell,	Reed,
Batchelor,	Ealy,	Hunsicker,	(Dauphin)
Bean,	Gelder,	Mallery,	Salus,
Bennett,	Graff,	McClure,	Sordoni,
Buckman,	Harvey,	Owlett,	Staudenmeier,
Chapman,	Homsher,	Pierson,	Ziesenheim,

NAYS—26

Baumer,	Law,	Reed,	Sones,
Cavalcante,	McCreesh,	(Washington)	Thompson,
Clark,	McGinnis,	Rice,	(Centre)
Frey,	Miller,	Roberts,	Thompson,
Harris,	Prince,	Rodgers,	(Westmoreland)
Huffman,	Pytko,	Rupp,	Trainer,
Kahle,	Rankin,	Shapiro,	Woodward,
Lanius,			

So the question was determined in the negative.

MOTION TO RECONSIDER VOTE ON SECOND READING

Mr. OWLETT. Mr. President, I move to reconsider the vote by which this bill passed second reading, for the purpose of offering amendments.

Mr. SORDONI. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED (Washington). Mr. President, it is too late to make amendments and get final action on this bill. This is a deliberate attempt to kill it. I object to it and ask for a roll call on the motion.

Mr. OWLETT. Mr. President, for the information of the Senate, I desire to explain that there were a number of amendments for consideration of this committee pending at the time this bill was reported out, and many of those amendments were agreed by all parties as being entirely proper. Some of them there was not an agreement on. It seems to be if this bill is to be acted on, certainly it should not be passed without amendments that were agreed on by both parties. The fact that it is too late is not important, the amendments were before the committee and I was not present when the bill was reported out.

Mr. PRINCE. Mr. President, the amendments had been before the committee and were considered by the committee. The effect of the amendments would be to destroy the usefulness of the bill absolutely. The Senator from Tioga, Mr. Owlett, was not present, it is true, but it was not my fault, and in any event the committee had the largest attendance when the bill was reported out that it has had since I have presided over it, with the single exception of the meeting on the Milk Control bill. The amendments would destroy the bill.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Cumberland, Mr. Prince.

The PRESIDENT. Will the Senator from Cumberland, Mr. Prince, permit himself to be interrogated?

Mr. PRINCE. Mr. President, I will.

Mr. OWLETT. Mr. President, one of the amendments that was offered and that I propose to offer now, is as follows: "The bill authorizing the head of this Bureau, or any of his representatives, to promulgate rules and regulations for the milk industry, or of the milk dealers and of the producers in this State." One of them which I propose to offer would require that those representatives, or any official or employee of the Department of Health who shall have been delegated, under this act, no such representative, agent, official or employee, shall be interested either directly or indirectly therein, as proprietor of a dairy farm, in the sale, manufacture, processing, or distribution of milk, or milk products. In other words, this amendment, Mr. President, would prevent Mr. Moffit, or any of his agents who can establish rules by which they can control the entire industry, by which they can wipe out competitors, would require that they not be interested in the milk business. I would like to ask the Senator from Cumberland how such an amendment destroys the purpose of this bill, when it only prevents servants of this Department from being interested in the business.

Mr. PRINCE. Mr. President, that was not one of the amendments which was rejected to which objection was made.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Cumberland, Mr. Prince, if that amendment was put in before the bill was reported out.

Mr. PRINCE. Mr. President, no action was taken on that amendment.

Mr. OWLETT. Mr. President, that was an amendment that nobody objected to, at least before the committee.

Mr. PRINCE. Mr. President, there was no objection to it.

Mr. OWLETT. Mr. President, that amendment was not inserted in the bill?

Mr. PRINCE. Mr. President, certainly not.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. LAW. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, if he offered those amendments on the floor on second reading.

Mr. OWLETT. Mr. President, in answer to the Senator from Mercer, Mr. Law, this bill was introduced and was sent to the Committee on Agriculture two weeks ago, after the Committee on Public Health had indefinitely postponed number 178, I cannot give you the exact date now that it was referred to committee, but the bill was passed out by the committee on the understanding that it should have two readings and go back to this committee for the purpose of amendments. That is why it was not amended on the floor on second reading. It had second reading some two weeks ago before the hearings were held. This is the first opportunity I have had to put these amendments in, because I was not present in committee when the bill was reported out.

Mr. McCREESH. Mr. President, it seems to me that the Senator from Tioga, Mr. Owlett, is running all around trying to kill the bill. There is one very bad feature in this bill, that is, milk, sour milk, any kind of milk, can be brought in from different states, and, by adding sugar or something else, you can use it for ice cream in the State of Pennsylvania. Now in New York State they inspect the milk brought in and they have rules and regulations. It seems to me that that is a very bad part of the bill, and we ought to do something about it, we should not allow milk outside of the State of Pennsylvania to be brought in here and used for ice cream purposes without being inspected.

Mr. CAVALCANTE. Mr. President, probably the Senator from Tioga, Mr. Owlett, is not aware of the fact that a resolution has been adopted by this General Assembly to adjourn this General Assembly on Friday of this week. Friday is the adjournment date, and to permit amendments to be made at this time is going to make it impossible for the House to pass on this bill. What objection is there to these amendments being made in the House?

Mr. OWLETT. I have no faith that the amendments will be put in the bill in the House, after the experience I have had with Mr. Moffit on this bill. I want to call the Senate's atention to the fact those tirades against me that were put in all the boxes of the Senators, were brought around here by none other than the man who is the publicity man of the Pennsylvania Milk Control Board, under salary from this State, and he brought around this propaganda supposedly put out by the Dauphin County consumers' organization.

Mr. THOMPSON (Centre). Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his point of order.

Mr. THOMPSON (Centre). Mr. President, I do not believe that the Senator from Tioga, Mr. Owlett, is discussing the question of reconsidering the bill on second reading.

Mr. OWLETT. Mr. President, I am answering the inquiry of the Senator from Fayette, Mr. Cavalcante.

The PRESIDENT. The Senator from Tioga, is answering the question propounded by the Senator from Fayette.

Mr. CAVALCANTE. Mr. President, I am asking what objection is there to having the amendments made in the House?

Mr. OWLETT. Mr. President, I was attempting to explain why I did not have faith that the amendments would be put in the bill in the House after having the exhibition of the propaganda now referred to, I do not see how we can be sure of that. I am well aware of the fact that this is Wednesday, I am well aware that we have adopted a resolution to adjourn on Friday, I am well aware of the fact that if we put the amendments in the bill, it is killed. Personally I would rather see the bill killed than have such vicious legislation passed by this Senate. If we do not have the chance to amend the bill on second reading, I think we had better kill the bill.

Mr. CAVALCANTE. Mr. President, the Senator from Tioga has now disclosed his designs, and the Senator from Tioga has on the floor of this Senate and attacked the integrity of every executive officer in this Commonwealth, and every executive officer in the Federal Government. Since he himself has disclosed the weasely way, the unfair way, the most vicious way of going about to kill the bill, the offering of amendments when his design is to kill the bill, Mr. President, in my judgment I say there is nothing that impeaches the integrity of a man more than the design which the Senator from Tioga has just disclosed in this body.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and Mr. SORDONI.

Mr. RICE. Mr. President, I ask that the roll be verified.

The roll was verified and was as follows:

The yeas and nays were required by Mr. OWLETT and Mr. SORDONI, and were as follows, viz:

YEAS—24

Aron,	Coyne,	Howell,	Reed, (Dauphin)
Batchelor,	Ealy,	Hunsicker,	Salus,
Bean,	Gelder,	Mallery,	Sordoni,
Bennett,	Graff,	McClure,	Staudenmeier,
Buckman,	Harvey,	Owlett,	Woodward,
Chapman,	Homsher,	Pierson,	Ziesenheim,

NAYS—25

Baumer,	Lanius,	Rankin,	Shapiro,
Cavalcante,	Law,	Reed, (Washington)	Sones,
Clark,	McCreesh,	Rice,	Thompson, (Centre)
Frey,	McGinnis,	Roberts,	Thompson, (Westmoreland)
Harris,	Miller,	Rodgers,	Trainer,
Huffman,	Prince,	Rupp,	
Kahle,	Pytko,		

So the question was determined in the negative.

And said bill having been read at length the tihrd time, agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Baumer,	Law,	Reed,	Shapiro,
Cavalcante,	McCreary,	(Washington)	Sones,
Clark,	McGinnis,	Rice,	Thompson,
Frey,	Miller,	Roberts,	(Centre)
Harris,	Prince,	Rodgers,	Thompson,
Huffman,	Pytko,	Rupp,	(Westmoreland)
Kahle,	Rankin,	Salus,	Trainer,
Lanius,			Woodward,

NAYS—21

Aron,	Coyne,	Howell,	Pierson,
Batchelor,	Ealy,	Hunsicker,	Reed,
Bean,	Gelder,	Mallery,	(Dauphin)
Bennett,	Graff,	McClure,	Sordoni,
Buckman,	Harvey,	Owlett,	Staudenmeier,
Chapman,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative,

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING AND FINAL PASSAGE

Mr. FREY. Mr. President, I desire at this time to call up Senate Bill No. 1286, on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1286, as follows:

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cottonseed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat- rye- corn- and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" further prescribing what may be mixed and sold under the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commerical feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat- rye- corn- and buckwheat-bran and middlings or any admixture thereof' et cetera approved the tweny-eighth day of May one thousand nine hundred and seven" as amended by section two of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred ninety) is hereby further amended to read as follows

Section 3 No foreign mineral substance or substances injurious to the health of domestic animals nor oat hulls oat feed oatmeal mill by-product clipped oat by-product ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks cocoa shells cocoanut shells weed seeds humus peat sand sawdust coffee hulls or other similar adulterants shall be mixed with any feeding-stuff sold offered or exposed for sale in this State Provided That nothing in this section shall be construed as prohibiting the use of mineral substances known to possess medicinal properties and that are not injurious to the health of domestic animals in compounding stock- and poultry-food and patented proprietary or trade-marked stock and poultry-food And provided further That any feeding-stuff the crude fiber content of which does not exceed eleven per centum that may be found upon analysis to contain either oat hulls oat feed oatmeal mill by-product clipped oat by-product flax plant refuse elevator chaff cottonseed hulls ground cornstalks cocoa shells cocoanut shells or all of these ingredients shall not be considered adulterated with oat hulls oat feed oatmeal mill by-products clipped oat by-product flax plant refuse elevator chaff cottonseed hulls ground cornstalks cocoa shells or cocoanut shells within the meaning of this act And provided further That nothing in this act shall prohibit the mixing with molasses and sale of oat mill feed And provided further That nothing contained in this act shall prohibit the mixing of whole corn without being shelled with other whole grains or the admixture of ground corn cobs with exclusively corn feeds in such proportion as to keep the crude fiber content from exceeding eleven per centum

The use of any or all metal fasteners in fastening or attaching tags or cards to packages of feeding-stuffs is hereby prohibited

In addition to the requirements to section one of this act a statement shall be affixed to all packages or other containers of feeding-stuffs showing in the case of feed molasses the minimum percentage of total sugars which it contains and in the case of semi-solid buttermilk the minimum percentage of total solids and in the case of oat mill feed the per centage of oat mill feed and molasses which it contains

Section 2 Section five of said act is hereby amended to read as follows

Section 5 Each and every manufacturer importer agent person corporation or firm selling offering or exposing for sale in this State any concentrated commercial feeding-stuffs as defined in section two of this act without the statement or statements required by section one of this act or to which is affixed a statement or guarantee which is false in any particular or in relation to which the provisions of all of the foregoing sections have not been fully complied with shall for every such offense forfeit any pay the sum of fifty dollars which shall be recoverable with costs including the cost of analysis by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable Provided That the Secretary of Agriculture shall together with his deputies agents and assistants be charged with the enforcement of this act and shall have free access to all places of business mills buildings carriages cars vessels and packages of whatsoever kind used in the manufacture importation or sale of any concentrated commercial feeding-stuffs and shall also have power and authority to open any package containing or supposed to contain any concentrated commerical feeding-stuffs and take therefrom [samples] a sample for analysis upon tending the value of [said sam-

ples] such sample and the party or parties interested or their representative shall be given an opportunity to be present when [said samples are] such sample is taken [Said samples] Each sample shall be [thoroughly mixed, and then divided into two samples and] put in a glass [vessels] vessel and carefully sealed and a label placed upon [each] such vessel stating the name or brand of the feeding-stuff or material sampled the name of the manufacturer when possible the name of the party from whose stock the sample was taken the time and the place of taking the guaranteed anlaysis and other information relevant thereto said labels to be signed by the Secretary of Agriculture or his agent and by the party or parties interested or their representative if present at the taking of the [samples One of said duplicate samples] sample The sample shall be retained by the Secretary of Agriculture or his agent [and the other shall be left with the party whose stock was sampled] The Secretary of Agriculture shall cause such samples as are secured by him under the provisions of this act as may seem to him proper to be analyzed within sixty days after said samples are received by the chief chemist and the results of the analysis of such samples together with such additional information as circumstances advise shall by his authority be published in reports or bulletins from time to time Provided That when the materials sampled are in packages the samples shall be taken from four separate packages And provided further That if the analysis of any sample does not differ from the guarantee more than ten per centum of the protein fat or fiber guaranteed the manufacturer shall be considered as having complied with the requirements of this act except when the percentage of either protein or fiber shall exceed twenty per centum and shall not be present in excess of thirty per centum in which case the variation allowed shall not exceed seven per centum of the guarnateed amount and also except when the percentage of either protein or fiber shall exceed thirty per centum in which case the variation allowed shall not exceed five per centum of the guaranteed amount

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed. (Dauphin)	Thompson, (Centre)
Clark,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,		
Graff,	McGinnis,		

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

CONSIDERATION OF THE CALENDAR

Mr. BUCKMAN. Mr. President, in connection with the remaining bills on today's calendar, I move that the Senate give preference to Senate bills in their order on third reading.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1470, entitled:

An Act to amend section seven as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party offices including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed providing for the return thereof in certain cases and in other cases for the retention by or allocation among the counties interested and imposing duties upon the State Treasurer and the respective county treasurers

And said bill having been read at length the third time

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—25

Aron.	Gelder,	Pierson,	Thompson, (Centre)
Batchelor,	Harris,	Prince,	Thompson, (Westmoreland)
Buckman,	Harvey,	Pytko,	Trainer,
Cavalcante,	Homsher,	Rupp,	Ziesenheim,
Chapman,	Howell,	Salus,	
Coyne,	Hunsicker,	Shapiro,	
Ealy,	McClure,	Sordoni,	

NAYS—19

Baumer,	Graff,	Mallery,	Reed, (Washington)
Bean,	Huffman,	McCreesh,	Rice,
Bennett,	Kahle,	McGinnis,	Sones,
Clark,	Lanius,	Rankin,	Staudenmeier,
Frey,	Law,	Reed, (Dauphin)	

Less than a majority of all the Senators having voted "nay" the question was determined in the negative.

BILL OVER IN ORDER

Mr. HOWELL. Mr. President, I move that Senate Bill No. 1472, on third reading, entitled:

An Act defining the powers of persons partnerships associations or corporations cemeteries and burial grounds to act and make regulations governing their conduct and operations and prohibiting certain acts and conferring upon common pleas courts jurisdiction to restrain the violation of this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceede dto the third reading and consideration of Senate Bill No. 1515, entitled:

An Act to amend the title and the act approved the twenty-third day of May one thousand nine hundred and seven (Pamphlet Laws two hundred twenty-seven) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husband" as amended extending said rights to children abandoned by a father

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 694 (House Bill No. 501), on third reading, entitled:

An Act authorizing the Department of Highways to build, construct and maintain sidewalks along State highways in townships of the first and second class, for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such building and construction and appropriating moneys from the Motor License Fund.

be recommitted to the Committee on Highways.

Mr. GELDER. Mr. President, I second the motion

On the question,

Will the Senate agree to the motion?

Mr. STAUDENMEIER. Mr. President, I desire to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. STAUDENMEIER. Mr. President, I desire to ask the Senator from Bucks, Mr. Buckman, the purpose of having this bill recommitted.

Mr. BUCKMAN. Mr. President, in the first place, it is impossible to pass it in the present condition, the word "highway" being in two places where it should read "sidewalks"; and in the second place, the Committee on Highways desires to give the bill further study. It is absolutely impossible of enforcement in its present condition. The word "highways" occurs at two places where it should be "sidewalks".

Mr. STAUDENMEIER. Mr. President, I would like to ask the Senator from Bucks, Mr. Buckman, whether he will withdraw his motion and allow the bill to go over in order.

Mr. BUCKMAN. Mr. President I will be glad to do so.

Mr. GELDER. Mr. President, I withdraw my second.

The PRESIDENT. The motion to recommit the bill has been withdrawn.

BILL OVER IN ORDER

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent that Senate Bill No. 694 (House Bill No. 501), on third reading, entitled:

An Act authorizing the Department of Highways to build construct and maintain sidewalks along State highways of the first and second class for the protection of public school pupils requiring townships of the first and second class to contribute to the cost of such buildings and construction and appropriating moneys from the Motor License Fund

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE POSTPONED FOR THE PRESENT

Mr. LAW. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 793 (House Bill No. 1088), on final passage postponed for the present, entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 704) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

Mr. KAHLE. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Salus,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,		

NAYS—3

Buckman,	Shapiro,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 117, entitled:

An Act to regulate the sale and delivery of solid fuel as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; imposing certain duties on the Department of Internal Affairs, and providing penalties.

House Bill No. 170, entitled:

An Act authorizing townships of the first class to fund floating indebtedness orders, or indebtedness of any previous year or years, or carried over from any previous year or years, or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due, by the issuance and sale of bonds, obligations or certificates, and regulating the manner of the isuance and sale of such bonds, obligations or certificates.

House Bill No. 1418, entitled:

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one, (P. L. 149), entitled "Liquid Fuels Tax Law," imposing as additional tax on liquid fuels.

House Bill No. 2026, entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth, one thousand nine hundred and nineteen (P. L. 1003), entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees; and making an appropriation therefor.

House Bill No. 2134, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same

RECESS

Mr. GEEDER. Mr. President, I move that the Senate do now take a recess until eight o'clock this evening.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE (Mr. John G. Houstér) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1253 (Senate Bill No. 1726), entitled:

An Act providing for and regulating the appointment, promotion, reduction in rank and removal of paid members of the Bureau of Fire, Bureau of Police, Bureau of Detectives, Bureau of Electricity, Bureau of Electricity in connection with fire and police departments, Police Telephone Operators and their assistants, and Police Radio Operators and their assistants in counties of the second class and in the cities, boroughs, towns, and townships within such counties, ceating a county civil service commission in each county, the members thereof to receive salaries to be payable by the counties, defining the powers and duties of such civil service commissions, imposing certain duties and expenses on such counties and the cities, boroughs, towns and townships located therein, imposing penalties and repealing inconsistent laws.

Which was committed to the Committee on County Government.

House Bill No. 2269 (Senate Bill No. 1727), entitled:

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers, custodians or trustees for individuals and partnerships, and to require persons to appear in court for examination.

Which was committed to the Committee on Judiciary General.

House Bill No. 2504 (Senate Bill No. 1728), entitled:

An Act relating to the financing of motor vehicles; prohibiting certain practices, and imposing a penalty.

Which was committed to the Committee on Finance.

House Bill No. 3010 (Senate Bill No. 1729), entitled:

An Act to provide revenue by imposing a State Tax upon the privilege to attend or engage in amusements and sports on Sunday requiring persons partnerships associations or corporations conducting places of amusements and sports on Sundays to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and its payment into the State Treasury permitting refunds of the tax in certain instances and providing penalties

Which was committed to the Committee on Finance.

RECESS

Mr. ARON. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 805

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 805, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania Military College, Chester, Pennsylvania, for the training and education of students.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE OF HOUSE BILL NO. 1972

He also presented communication from the House informing the Senate that the House of Representatives has adopted the report of the Committee of Conference on House Bill No. 1972, entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

Mr. BUCKMAN. Mr. President, I move that rule 21, which requires reports of Committees of Conference to be noted on the calendar, be dispensed with, and that the Senate do now proceed to the consideration of the report of the Committee of Conference n House Bill No. 1972.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1972

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1972, entitled: "An Act Fixing the salary of the district attorney in counties of the seventh class," respectfully submit the following bill as our report :

CHAS. H. EALY,
C. W. STAUDENMEIER,
GLEN R. LAW,
Committee on the Part of the Senate.

LEO A. ACHTERMAN,
CHAS. W. ALLEN,
ARTHUR J. WALL,
Committee on the part of the House of Representatives.

An Act fixing the salary of the district attorney in counties of the seventh class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the annual minimum salary of the district attorney in counties of the seventh class shall be as follows In counties of the seventh class having a population of twenty thousand inhabitants and more but less than twenty thousand seven hundred and fifty dollars ($750) and in counties of the seventh class having a population of twenty-seven thousand and more one thousand five hundred dollars ($1,500) to be paid by the county

Section 2 The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred seventeen) entitled "An act regulating the salaries of district attorneys in counties of the seventh and eighth classes" is hereby repealed in so far as it applies to counties of the seventh class

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the Senate agree to the report:

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Prince,	Sones,
Batchelor,	Harvey,	Pytko,	Sordoni,
Baumer,	Howell,	Rankin,	Staudenmeier,
Bennett,	Huffman,	Reed,	Thompson,
Buckman,	Kahle,	(Dauphin)	(Centre)
Cavalcante,	Law,	Reed,	Thompson,
Chapman,	Mallery,	(Washington)	(Westmoreland)
Clark,	McClure,	Rice,	Trainer,
Coyne,	McCreesh,	Roberts,	Woodward,
Ealy,	McGinnis,	Rodgers,	Ziesenheim,
Frey,	Miller,	Rupp,	Homsher,
Gelder,	Owlett,	Salus,	Pres. Pro. Tem.
Graff,	Pierson,	Shapiro,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 458 RETURNED WITH AMENDMENTS

He also returned to the Senate Bill No. 458 entitled.

An Act relating to the playing of certain sports on Sunday prohibiting such sports on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same providing penalties and repealing inconsistent laws

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows: Amend title page 1 line 2 by striking out "the game of polo" and inserting "certain sports"; also line 3 of title by striking out the "games" and inserting "sports"; also line 7 of the title by inserting after the word "electors" the following: "changing the hours during which certain sports may be conducted staged and played where the electors are in favor of same"; also section 2 page 2 line 11 by striking out "two" and inserting "one"; also line 19 by striking out "two" and inserting "one"; also line 26 by striking out "two" and inserting "one"; also section 3 page 3 line 12 by striking out "two" and inserting "one"; also page 4 line 2 by striking out "two" and inserting "one"; also section 5 page 5 line 1 by striking out "two" and inserting "one"; also line 9 by striking out "two" and inserting "one"; also by adding the following sections after line 13 page 5 "Section 6 Where by the provisions of existing law it is lawful to conduct stage and play any sport other than polo on Sunday between the hours of two o'clock post meridian and six o'clock post meridian it shall hereafter be lawful to conduct stage and play such sports between the hours of one o'clock post meridian and seven o'clock post meridian but only in a municipality wherein the electors have heretofore voted in favor of the conducting staging and playing of such sports on Sunday between the hours of two o'clock post meridian and six o'clock post meridian or wherein the electors shall hereafter vote in favor of the conducting staging and playing of such sports on Sunday between the hours of one o'clock

post meridian and seven o'clock post meridian; Section 7 Whenever in this act time is referred to the same shall be construed to mean "eastern standard time" except during the period commencing the last Sunday in April and ending the last Sunday of September of each year during which period such reference shall be construed to mean "eastern daylight saving time" in those municipalities where daylight saving time is the customary time in common use during such period"; also page 5 line 14 by striking out the numeral "6" and inserting "8"; also page 5 by adding the following paragraph after line 22 "All other acts and parts of acts inconsistent with this act are hereby repealed"; also line 23 by striking out the numeral "7" and inserting "9".

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—47

Aron,	Graff,	Pierson,	Shapiro,
Batchelor,	Harris,	Prince,	Sones,
Baumer,	Harvey,	Pytko,	Sordoni,
Bean,	Howell,	Rankin,	Staudenmeier,
Bennett,	Huffman,	Reed,	Thompson,
Buckman,	Kable,	(Dauphin)	(Centre)
Cavalcante,	Law,	Reed,	Thompson,
Chapman,	Mallery,	(Washington)	(Westmoreland)
Clark,	McClure,	Rice,	Trainer,
Coyne,	McCreesh,	Roberts,	Woodward,
Ealy,	McGinnis,	Rodgers,	Ziesenheim,
Frey,	Miller,	Rupp,	Homsher,
Gelder,	Owlett,	Salus,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In view of your impending adjournment, and of the necessity for Pennsylvania's participation in the benefits of the Federal Works program, so that we may reduce unemployment and relief costs, I earnestly solicit your immediate consideration of nineteen bills now before your honorable body.

These bills have been presented as enabling legislation to permit us to take advantage of the Federal Works Relief program. Unless they are enacted into law in the form submitted, or without major changes, we will be unable to comply with the requirements of the Federal Government and will not receive the funds to which Pennsylvania is entitled.

These measures fall naturally into groups.

The first group clarifies and modifies existing legislation covering bond issues of political subdivisions, permitting them to sell their bonds in bulk or by agreement to the federal agency administering the Works Fund.

The second enables communities which have exhausted their borrowing capacities to avoid Constitutional difficulties by issuing bonds through a public corporation known as an "Authority". Such bonds could not, by any means, become the debt of the community. This group also creates similar authority to enable the State to construct needed correctional institutions, hospitals, arsenals, public buildings and the like, without increasing the debt of the State.

Another group enables larger cities of this Commonwealth to clear their slum districts and provide livable homes for the underprivileged, thereby eliminating unsanitary and crime-breeding districts.

If you do not pass these housing bills Pennsylvania will lose $20,000,000 which has been allocated for slum clearance, $10,000,000 i.. Philadelphia and $10,000,000 for Pittsburgh.

Another group of bills is for Rural Electrification. These would provide for expenditure of $15,000,000 for transmission and distribution lines to serve more than 28,000 families now denied such service.

There is also a bill to permit issuance of revenue bonds or certificates by political subdivisions that prefer to receive the federal funds direct rather than through the Authorities. Such certificates would not be obligations of the issuing power, but charges against the revenue from the project itself.

To cordinate all of these activities a bill providing for a State Planning Board, as requested by the Federal Government and now provided in forty-six States, is before you.

Of all these bills only three have been reported out of committee. These are the State Authority Bill, the County Authority Bill, and the Borough Waterworks Bill. They have been so amended that they do not meet the requirements of federal authorities, and so cannot be effective unless those amendments are removed or greatly changed.

I am sure all of you realize the great loss to this Commonwealth that will result if our people, as federal taxpayers, provide their share of the Federal Works Funds for lack of proper legislation fail to receive any benefits from that program.

GEORGE H. EARLE.

RECESS

Mr. McCLURE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

APPOINTMENT OF COMMITTEES OF CONFERENCE

The PRESIDENT. The President Pro Tempore announces the appointment of the following Committees of Conference:

On Senate Bill No. 39, the Senator from Dauphin, Mr. Reed, the Senator from Montgomery, Mr. Bean, and the Senator from Lycoming, Mr. Sones;

On Senate Bill No. 155, the Senator from Philadelphia, Mr. SHAPIRO, the Senator from Philadelphia, Mr. Aron, and the Senator from Cambria, Mr. Baumer.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS TO TO SENATE BILL NO. 147

The Clerk of the House of Representatives being introduced presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 147, entitled:

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' as-

sistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. REED (Dauphin). Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

Orders, That Messrs. Batchelor, Reed (Dauphin) and Lanius be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE RECEDES FROM ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 19

He also informed the Senate that the House has receded from its amendments non-concurred in by the Senate to Senate Bill No. 19, entitled:

An Act to amend sections two, four, five, eight, eleven, twelve, seventeen, twenty-one and twenty-two and to repeal section three as amended, and sections thirteen, sixteen and nineteen, of the act approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by prohibiting employment of minors between fourteen and sixteen years of age, except in certain types of work which will not interfere with school attendance; further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work, and the hours of labor; further regulating employment certificates, and requiring minors under eighteen to procure such certificates; and imposing on school districts the duty to issue such certificates.

SENATE CONCURS IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 19

Mr. GRAFF. Mr. President, in view of the action taken by the House I now move that the Senate recede from its non-concurrence in the amendments made by the House to Senate Bill No. 19, and that it concur in the amendments.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

AMENDMENT TO HOUSE BILL NO. 329 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 329, entitled:

An Act to amend sections seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "Game Law," as amended; making it unlawful to throw or cast the rays of any headlight, spotlight or other artificial light upon a deer, bear or elk.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1 page 2 line 22 by inserting after the word "use" the words "or to use;" also page 5 line 20 by striking out the following; "for the transportation of game illegally killed" and inserting "or its lights or equipment for the killing"; also line 22 by striking out "capturing" and inserting catching."

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—48

Aron,	Graff,	Miller,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Ziesenheim,
Ealy,	McClure,	Rodgers,	Homsher,
Frey,	McCreesh,		Pres. Pro. Tem.
Gelder,	McGinnis,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 295 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 295, entitled:

An Act making an appropriations to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. SALUS. Mr. President, I move that the Senate recede from its non-concurrence in the amendments made by the House to Senate Bill No. 295, and do now concur in the amendments.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by striking out the words "an appropriation" and inserting the word "appropriations"; also section 1 line 4 page 1 by striking out the word "two" and inserting one"; also line 4 by inserting the word "sixty" after the word "hundred"; also line 4 the figures "($200,000)" and inserting "($160,000)"; also page 1 by inserting the following section after line 10: "Section 2 In addition to the appropriation made by section one of this act the sum of one hundred thirty-five thousand four hundred seventy-five dollars fourteen cents ($135,475.14) is hereby appropriated to the Jefferson Medical College of Philadelphia for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such college for the support and promotion of medical education during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such college by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund

Any law to the contrary nothwithstanding amounts payable to the Jefferson Medical College of Philadelphia out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments for this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Ziesenheim,
Ealy,	McClure,	Rodgers,	Homsher,
Frey,	McCreesh,		Pres. Pro. Tem.
Gelder,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1262 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1262, entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the appointment and the fixing of the salaries of a chief minute clerk and assistant minute clerks of the orphans' court in counties of the second class

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 7 by striking out the following: "by changing the method of appointing"; and inserting the following: "as amended providing for the appointment and the fixing of the salaries of a chief minute clerk and assistant minute"; also section 1 page 2 line 2 by inserting the following after the word "thereto"; as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one); also line 2 by

inserting the word "further" after the word "hereby"; also by striking out the following after line 2: "Section 231 Assistant Clerks of Orphans' Court in Counties Except Counties of the Second Class Where There is a Separate Orphans' Court and Chief Assistant Clerk and Assistant Clerks in the Orphans' Court of Counties of the Second Class The clerk of the orphans' court of each county excepting counties of the second class in which a separate orphans' court is now or hereafter shall be established may appoint an assistant clerk or clerks but only with the consent and approval of said court The [salary] salaries of such assistant clerks shall be as provided by law or as may be fixed by the salary board In counties of the second class the judges of the orphans' court shall appoint a chief assistant clerk to the clerk of the orphans' court and also the minute clerks of said court which court shall fix the salaries of the said chief assistant clerk and the minute clerks All other assistant clerks of the orphans' court in said counties of the second class shall be appointed by the clerk of the orphans' court but only with the consent and approval of said court which also shall fix the salaries of such other assistant clerks"; also by inserting the following section after line 2 page 2; "Section 231 Assistant Clerks of Orphans' Court in Counties Where There is a Separate Orphans' Court and Chief Minute Clerk and Assistant Minute Clerks in the Orphans' Court of Counties of the Second Class Compensation The clerk of the orphans' court of each county in which a separate orphans' court is now or hereafter shall be established may appoint an assistant clerk or clerks but only with the consent and approval of said court The register of wills and ex officio clerk of the orphans' court with the consent and approval of the judges of the said court shall fix the salaries of the assistant clerks of said court The salaries of the assistant clerks shall be paid out of the fees of said office paid into the treasury of the county upon bills attested by said register and countersigned by a judge of said court Provided however That in the event that the fees received in said office of register of wills be not sufficient to fully pay the register and his assistants then payment shall be made in full to the said register of wills but to his assistants in manner as follows namely Where there is more than one assistant then the balance of fees remaining to the credit of said office of register of wills shall be divided among each of said assistants in proportion as his salary shall stand to the whole In counties of the second class in which a separate orphans' court is now or hereafter established the judges of said orphans' court shall appoint a chief minute clerk and a sufficient number of assistant minute clerks to perform such duties in connection with the business of said court as the judges may direct whcih court shall fix the salaries of said chief minute clerk and assistant minute clerks Said salaries shall be paid by the county in the same manner as employes of the office of the register of wills and clerk of the orphans' court Provided that the office of chief assistant clerk and the offices of assistant clerks of the orphans' court shall not be incompatible with the offices of chief minute clerk and assistant minute clerks of said court"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rupp,
Batchelor,	Harris,	Owlett,	Salus,
Baumer,	Harvey,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1232 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1232 entitled:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning additional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. THOMPSON (Westmoreland). Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1 page 2 line 20 by striking out the following: "and machinery and equipment attached or to be attached to real estate"; also by inserting in line 22 after the word "crops": machinery and equipment attached or to be attached to real estate"; also page 4 line 19 by by striking out the words "chattels real" and inserting "freehold"; also line 27 by striking out the article "A" and inserting "an"; also line 27 by striking out the word "prior"; also line 28 by inserting the word "prior" after the conjunction "or"; also line 29 by striking out the words "to be caused' and inserting the following: "resulting from damage which may be caused to the land or to the physical structure of the buildings or other improvements to which such goods are attached"; also page 5 line 3 by striking out the word "prior"; also line 3 by inserting the word "prior" after the conjunction "or"; also by striking out the following: after the word "damage" in line 12: "caused to the physical structure by the removal of the goods conditionally sold" and inserting the following: "to the land or to the physical structure of the buildings or other improvements to which such goods are attached caused by the removal of the goods conditionally sold The provisions of section nine of this act shall not apply to any case in which the conditional sale contract shall

be filed pursuant to the provisions of this section "Prior" as used in this section refers to the time at attaching the goods to the realty

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. McCLURE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCLURE, from the Committtee on Finance reported as amended, Senate Bill No. 678 (House Bill No. 925), entitled:

An Act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN, from the Committee on Insurance, reported as committed, Senate Bill No. 1377 (House Bill No. 2537), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section

Mr. HARRIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS, from the Committee on State Government reported as committted, the following House Resolution No. 138, which was laid on the table.

In the House of Representatives, April 23, 1935.

Whereas The Federal Government in order to alleviate unemployment is developing various useful public works and

Whereas The Newspapers throughout the State have brought to the attention of many thousands of its citizens and to the members of this Legislature a project advanced by the State Planning Board involving the construction of a highway upon the abandoned railway grade of the South Penn Railroad through the Allegheny Mountains between Harrisburg and Pittsburgh and

Whereas At the time construction was abandoned by the South Pennsylvania Railroad in 1885 nine tunnels through the mountains were approximately two-thirds completed and many miles of right of way were graded and

Whereas The completion of these tunnels and the construction of the intervening portions of highway would provide the general public with a highway free from excessive grades avoiding the dangerous storms upon the mountain tops and upon which it would appear that at no point the highway grade would be in excess of one hundred feet to the mile and

Whereas The completion of these tunnels and the construction of this highway would require approximately 32,000,000 man hours of labor and would furnish immediate employment to many unemployed men now upon the relief rolls of the State and

Whereas All the materials entering into the construction project will be produced by the industries of Pennsylvania and

Whereas It is estimated that the cost of completion and operation of the roadway and these highway tunnels may be defrayed within a reasonable period of time by a system of tolls to be charged for the use of the tunnels and

Whereas This South Penn Tunnel Highway would possess invaluable military value in time of war therefore be it

Resolved (if the Senate concur) That a committee of three members of the Senate and three Members of the House to be appointed by the President Pro Tempore and Speaker respectively and in connection with the State Highway Department the Federal Bureau of Public Roads and the State Planning Board and such other consultants as they choose to engage make an investigation of this project and

Resolved That said committee shall make a report to the Legislature during the present session as promptly as possible that they shall continue their investigations until a thorough study is completed.

Mr. ARON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON, from the Committee on Municipal Government reported as amended, Senate Bill No. 1066 (House Bill No. 1533) entitled:

An Act empowering cities except cities of the first class boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER, from the Committee on State Government reported as committed, Senate Bill No. 998 (House Bill No. 1906) entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirteen (P. L. 843), entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employes, and prescribing a penalty for noncompliance therewith," by further defining the duty of employers to make reports of injuries received by their employes; requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so; and clarifying the provisions of the act pertaining to the evidential value of such reports.

Mr. THOMPSON (Center). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on State Government reported as committed, Senate Bill No. 1562 (House Bill No. 2105) entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisisons shall be determined," by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties, (except counties of the first class), cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

Also from the Committee on State Government reported as committed, Senate Bill No. 1683 (House Bill No. 2107) entitled:

An Act to amend sections five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties.

Also from the Committee on State Government reported as committed, Senate Bill No. 1678 (House Bill No. 2120) entitled:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making appropriations expenditures contracts and purchases by the city and its agents and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the director of accounts and finance and providing penalties.

Also from the Committee on State Government reported as committed, Senate Bill No. 1650 (House Bill No. 2110) entitled:

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs,, providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties.

Mr. PYTKO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO, from the Committee on State Government reported as committed, Senate Bill No. 1561 (House Bill No. 2025) entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by exempting municipalities and townships from paying any license fee on their service lines.

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committe on State Government reported as committed, Senate Bill No. 1682 (House Bill No. 2104) entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 762) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties.

Also from the Committee on State Government reported as committed, Senate Bill No. 1684 (House Bill No. 2108) entitled:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the county commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties.

Also from the Committee on State Government reported as committed, Senate Bill No. 1701 (House Bill No. 2711) entitled:

An Act to amend section one of the act approved the twenty-fourth day of June, one thousand nine hundred and nineteen (P. L. 579), entitled "An act to fix the salary and mileage of the members of the General Assembly, and to provide for the furnishing of such postage, stationery, and supplies, as may be necessary for the conduct of their offices; and repealing all acts or parts of acts inconsistent therewith," as amended; increasing the compensation of members of the General Assembly.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee of State Government reported as committed, Senate Bill No. 1716, (House Bill No. 2334) entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, from the Committee on Judiciary Special reported as amended, Senate Bill No. 595 (House Bill No. 1215) entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments imposing certain duties upon employers conferring powers and duties upon the Department of Labor and Industry, and district attorneys imposing civil and criminal penalties for violations of the act and providing for their collection and disposition and making a repeal

HOUSE MESSAGE

SENATE BILL NO. 718 RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 718, entitled:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. RANKIN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the foregoing bill.

Mr. COYNE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 109 page 10 by adding the following after line 23: "have the power and authority to cancel repeal abrogate amend or change any franchise ordinances contracts or agreements between the several cities boroughs and townships and public utilities to the extent to which the same relate to the portion of any public utilities franchises located on any through-traffic street as designated by the board of commissioners"; also page 12 by adding the following after line 16: "Section 110 Publication of

Legal Notices Whenever under the provisions of this act advertisement or publication is required to be published in one newspaper such publication shall be made in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (P. L. 1784) published in the consolidated city unless the matter in connection with which the advertising is being done affects only a municipal division thereof in which case such advertisement shall be published in a newspaper published in such municipal division if any and if not then in a newspaper circulating generally in such municipal division If the notice is required to be published in more then one such newspaper it shall be published as aforesaid and also in one newspaper of general circulation throughout the consolidated city When any such notice that is required to be published in a newspaper of general circulation relates to any proceeding or matter in any court or the holding of an election for the increase of indebtedness or the issuance and sale of bonds or other obligations to be paid by taxation a similar notice shall also be published in the same manner in the legal newspaper if any as defined by the aforesaid act of assembly"; also page 12 line 17 by striking out the figures "110" and inserting "111"; also section 209 page 16 line 8 by striking out "subject to existing rights and obligations"; also 21 by striking out the heavy faced brackets; also line 21 by striking out "but in any municipal division which has an ordinance inconsistent with such regulations the ordinance of the municipal division shall control"; also Section 216 page 18 by inserting after the word "persons" "including public service companies"; also page 19 line 2 by striking out "except machinery of all kinds"; also section 218 page 20 line 8 by striking out the following: "provided that nothing herein contained shall be deemed to give the consolidated city power to condemn property or facilities of public utilities the power to condemn which is not possessed by Allegheny County or the municipal divisions thereof on December thirty-first one thousand nine hundred and twenty-nine"; also section 220 page 20 line 23 by striking out the words "one thousand" and inserting "three hundred"; also line 25 by striking out "six (6) months" and inserting "sixty (60) days"; also section 222 page 22 line 5 by striking out the words "sections"; and inserting "the following "acts or parts of acts or any amendments thereto Sections"; also line 11 by striking out "nor any of the amendments to said section" and inserting the following: "The act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1050) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all monies and securities in existing funds in similar boards superseded by the fund and board herein created The act approved the twenty-second day of May one thousand nine hundred and thirty-five (Act No. 99) entitled 'An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar persons and of such additional monies as may be necessary to carry out the provisions of this act' "; also section 310 page 28 line 25 by striking out the following: "except that an ordinance granting renewing or amending a franchise or other special privilege for a public utility already possessing a franchise or consent to operate within the limits of the consolidated city may be passed as an emergency ordinance if the director of the department of public works shall first certify in writing to the board of commissioners that the immediate passage of said ordinance is essential to the public welfare"; also section 312 page 30 line 3 by inserting after the word "thereof" "the same same shall be public works"; also section 402 page 37 line 11 by striking out "a majority of the judges of the court of common pleas" and inserting "the Governor"; also line 14 by striking out "and who shall be of the same known political affiliation as his predecessor"; also section 403 page 37 line 19 by striking out "a majority of the judges of the court of common pleas of Allegheny County" and inserting "the board of commissioners"; also section 404 page 38 line 16 by striking out "a majority of the judges of the orphan's court of Allegheny County" and inserting "the board of commissioners"; also section 602 page 47 line 23 by striking out the following: "citizen of the United States for a period of not less than ten years and having had at least ten years actual business experience in the fields of engineering and or accounting and/or finance"; and inserting "resident of Allegheny County at least five years immediately preceding his appointment"; also section 707 page 56 line 3 by inserting after the word "shall" "be published once in the manner provided in section one hundred and ten of this act and shall also"; also section 715 page 64 line 5 by striking out "a majority of the court of common pleas" and inserting "board of commissioners"; also line 10 by striking out "citizen of United States for a period of ten years a"; also line 12 by striking out "and a person experienced in the valuation of land and buildings and the cost or construction in the consolidated city"; also section 718 page 66 line 28 by inserting the following after the word "years"; "and after notice of the sale has been published twice in accord with the provisions of section one hundred and ten of this act"; also section 901 page 74 line 6 by striking out "a sheriff as defined in the laws of the state" and inserting "the directors of public safety now have in cities of the second class"; also section 902 page 74 line 29 by striking out "but shall not except in case of emergency be assigned to regular duty" and inserting "including concurrent jurisdiction with municipal police"; also line 2 page 75 by striking out "other than" and inserting "and" also line 3 by inserting after the word "streets" the word "therein"; also section 1402 page 97 line 15 by striking out "is a person having had at least ten years experience in personnel work" and inserting "shall have been a resident of Allegheny county at least five years immediately preceding his appointment"; also section 1403 page 97 line 23 by inserting after the word

"unless" the following: "such person shall have been a resident of Allegheny County for at least two years immediately preceding said employment"; also page 107 by adding the following after line 4: "Provided however That where such property amounts to five hundred ($500.00) dollars or more notice of the sale shall be published at least one time in one newspaper of general circulation"; also Section 1701 page 107 by striking out "appointed by the governor and the governor shall have the right and duty on the recommendation" and inserting the following: "elected at municipal elections for terms of ten years each from the first Monday of January next succeeding their respective elections The first judges shall be elected at the municipal election in the year one thousand nine hundred and thirty-five Upon the order"; also line 18 by striking out "to appoint"; also line 20 by inserting after the word "requirements" the words "may be elected"; also line 20 by striking out "recommendation" and inserting "order"; also page 108 line 3 striking out "In making appointment the governor shall designate the president and vice president magistrates" and inserting the following: "The president judge of said court shall be selected in the same manner as in the case of courts of common pleas and two vice-presidents shall likewise be chosen except where seniority is established when the judge second and third oldest in commission shall be the vice-president Vacancies in the office of judge shall be filled by the Governor in the same manner as in other courts"; also section 1702 page 108 line 8 by striking out "possess known judicial temperament intelligent honesty and integrity and in addition shall"; also line 9 by striking out "(a)"; also line 12 by striking out the following: "or (b) a person who has had at least ten years business or professional experience and has manifested a genuine interest in civic affairs or (c) satisfactory service for ten years as a magistrate alderman or justice of the peace provided however that the president and vice-president magistrates shall be attorneys at law admitted and qualified to practice before the Supreme Court of the state and shall have had actual professional experience of not less than ten years"; also line 27 by striking out "appointed" and inserting "elected"; also page 109 line 11 by striking out the following: "be appointed on or before January first of the year following the year in which this charter shall have been adopted and as so appointed shall constitute such municipal court with"; and inserting "have"; also line 15 by inserting after the word "act" the following: "after the judges take office the first Monday in January one thousand nine hundred and thirty six"; also page 111 by striking out all of section "d"; also pages 111 and 112 by changing the letters in front of the paragraphs from e-f-g-h-i-j-k- to d-e-f-g-h-i-j respectively; also page 112 by adding the following paragraph after line 18: "k To designate as its official newspaper for the publication of all announcements trial lists notices of hearings lists of special cases advertisements or publications required by law or for the transaction of the business of the court its daily minutes of business transacted all decisions and judgments and other matter of public importance the legal newspaper designated by the Courts of Common Pleas of the County the County Court and the United States District Court for the Western District of Pennsylvania"; also page 125 by striking out all of Section 1726; also line 22 by striking out the figures "1727" and insertinig "1726"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—5

Frey,	Reed,	Roberts,	Homsher,
McGinnis,	(Washington)	Thompson, (Centre)	Pres. Pro. Tem.

NAYS—39

Aron,	Gelder,	McClure,	Rupp,
Baumer,	Graff,	McCreesh,	Salus,
Bean,	Harris,	Miller,	Shapiro,
Bennett,	Harvey,	Pierson,	Sones,
Buckman,	Howell,	Pytko,	Sordoni,
Cavalcante,	Hunsicker,	Rankin,	Staudenmeier,
Chapman,	Kahle,	Reed,	Thompson,
Clark,	Lanius,	(Dauphin)	(Westmoreland)
Coyne,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Rodgers,	Woodward,

A majority of all the Senators having voted "nay" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 895 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the foregoing bill.

Mr. BATCHELOR. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 1 line by striking out the words "heretofore or."

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGES

SENATE BILL NO. 1526 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1526, entitled:

An Act fixing the salary of the clerk to the President of the Senate and the salary of the stenographer to the Speaker of the House of Representatives

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the foregoing bill.

Mr. REED. Mr. President, I second the motion

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 2 by inserting the following the word "Senate": "and the salary of the stenographer to the Speaker of the House of Representatives"; also section 1 page 1 by inserting the following at the end of the section: "and the salary of the stenographer to the Speaker is hereby fixed at one thousand eight hundred per annum"; also by inserting the following section after section 2: Section 3 This act shall become effective immediately upon its final enactment.

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1056 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1056, entitled:

An Act relating to certain sports on Sunday in cases where an admission is charged; permitting certain sports on Sunday for which an admission is charged during certain hours, providing for the licensing of exhibitions thereof where an admission charge is made and changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same,

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the foregoing bill.

Mr. COYNE. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend title page 1 line 1 by striking out the word "tennis" and inserting "certain sports"; also line 2 of title the word "tennis" and inserting "certain sports"; also line 3 of the title by striking out the word "and"; also line 4 of the title by striking out the words "of tennis" and inserting "thereof"; also by inserting the following after the last line of the title: "and changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same"; also page 2 by inserting the following sections after section 3: "Section 4 Where by the provisions of existing law it is lawful to conduct stage and play any sport other than tennis on Sunday between the hours of two o'clock post meridian and six o'clock post meridian it shall hereafter be lawful to conduct stage and play such sports between the hours of one o'clock post meridian and seven o'clock post meridian but only in a municipality wherein the electors have heretofore voted in favor of conducting staging and playing such sports between the hours of two o'clock post meridian and six o'clock post meridian or wherein the electors shall hereafter vote in the manner provided by existing law in favor of conducting staging and playing of such sports on Sunday between the hours of one o'clock post meridian and seven o'clock post meridian

Section 5 Whenever in this act time is referred to the same shall be construed to mean "eastern standard time" except during the period commencing with the last Sunday of April and ending with the last Sunday of September of each year during which period such reference shall be construed to mean "eastern daylight saving time" in those municipalities where daylight saving time is the customary time in common use during such period"; also page 2 line 17 by striking out the numeral "4" and inserting "6"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 1150 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 1150 entitled:

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by the Insurance Commissioner; and repealing existing laws.

with the information that the House has passed same with amendments in which the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21 which requires amended bills to be noted on the calendar be in this case dispensed with and that the Senate proceed to the consideration of the foregoing bill.

Mr. NORTON. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twice read as follows:

Amend section 3 page 3 line 5 by striking out the word "officer" and inserting "officers"; also section 4 page 3 line 13 by striking out the word "Sectional" and inserting "Section One"; also line 18 by striking out the word "the" and inserting "they"; also subsection 1 page 7 line 1 by striking out the word "of" in front of the article "A" and inserting the word "if"; also by inserting the following Subsection after line 23 page 7; "Subsection 3 (Approval Required and Penalty for Violation) It shall be unlawful for any such society doing business in this Commonwealth to issue sell or dispose of any certificate or contract providing benefits to its membership or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and approved by the Insurance Commissioner and copies filed in the Insurance Department

Any person corporation order or society that shall either as principal or agent issue or cause to be issued any contract or certificate of insurance within this Commonwealth contrary to the section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation order or society (2) refuse for a period not to exceed one year thereafter to issue a new license to such corporation order or society (3) impose a fine of not more than one thousand dollars for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County"; also section 17 page 10 line 20 by inserting the word "Notice" front of the word "from"; also by adding the following after line 24: "Notice of intention to apply for articles of incorporation shall be given by advertisement once in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (P. L. 1784) printed and published in the place where the society shall have its principal office located and in the legal newspaper if any of the proper county Advertisements shall appear at least three days prior to the day fixed for the filing of the articles of incorporation with the Secretary of the Commonwealth Said notice shall fix a time for filing objections with the Insurance Commissioner to said proposed corporation and a hearing thereon shall be held by the Insurance Commissioner after not less than five days notice shall be given to the objectors"; also section 17 page 16 line 23 by striking out the word "hereon" and inserting "thereon"; also section 27 page 28 line 17 by striking out the word "take" and inserting "make"; also page 29 line 7 by striking out the word "has" and inserting "had"; also section 30 page 34 by inserting the following after line 10: "If the valuation of the certificates as hereinbefore provided shall show that the present value of future net contributions together with the admitted assets is less than the present value of the promised benefits and accrued liabilities such society shall either collect additional assessments or increase the rates of contribution from the members to meet such deficiency or classify its members according to the adequacy of the rates they are contributing and charge each class with its proportion of any deficiency disclosed by any such valuation"; also section 31 page 34 line 22 by striking out the words "or both"; also section 33 page 36 line 7 by striking out the words "or both"; also subsection 3 page 40 by striking out the following after line 26; "Then follow provisions as to the repeal of former acts designating them by title and date and then follow with the general provision as follows"

Section 41 (Repealers) All other Acts or parts of Acts inconsistent with this Act are repealed Provided however That no repeal provided for in this section or otherwise shall affect the rights of societies heretofore incorporated to exercise all the corporate powers possessed by them at the time of the passage of this Act

Constitutionality The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this Act It is hereby declared as a legislative intent that this Act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Effect of Act The provisions of this Act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability in-

curred or any right accrued and established or any suit or prosecution civil or criminal pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws Any persons who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof city authorized to do business in this State and subject to supervision regulation and examination by the Insurance Commissioner may provide in its laws in addition to other benefits provided for therein for insurance and or annuities upon the lives of children at any age upon the application of some adult person as the laws of such society may provide Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children nor shall they have any voice in the management of the society.

Subsection 1 (Contributions) The contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six" the "American Experience Table" and Craig's Extension thereof or such other mortality table as may be approved by the Insurance Commissioner with an assumed rate of interest not exceeding four per cent

Subsection 2 (Reserve Requirements) Any society issuing such benefit certicates shall maintain on all such certificates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided herein

Subsection 3 (Power) A society shall have full power to provide for means of enforcing payment of contribution designation of beneficiaries and changing such designation and in all other respects for the regulation government and control of such certificates and all rights obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this Act"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Daly,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. STAUDENMEIER. Mr. President, I desire at this time to call up Senate Bill No. 1099, (House Bill No. 2113).

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1099, (House Bill No. 2113), entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sordoni,
Bean,	Huffman,	Pytko,	Staudenmeier,
Bennett,	Hunsicker,	Rankin,	Sones,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Daly,	McCreesh,	Roberts,	Woodward,
Frey,	McGinnis,	Rodgers,	Ziesenheim,
Gelder,	Miller,	Rupp,	Homsher,
Graff,			Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS ON SECOND READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the consideration of bills on second reading.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 422 (House Bill No. 439), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred nine hundred and thirty-three (P. L. 910) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 497 (House Bill No. 316), entitled:

A Joint Resolution authorizing the Attorney General to arrange for and hold a conference in crime and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 662 (House Bill No. 936), as follows:

An Act to provide revenue by imposing a State tax upon th privilege to attend or engage in amusements including every form of entertainment diversion sport recreation and pastime requiring persons partnerships associations or corporations conducting places of amusement to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and the use of the proceeds thereof permitting refunds of the tax in certain instances providing certain exemptions and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Amusement Tax Act"

Section 2 The following words or phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Amusement" All manner and forms of entertainment including among others theatrical or operatic performances concerts moving picture shows vaudeville circus carnival and side shows all forms of entertainment at fair grounds and amusement parks athletic contests including wrestling matches boxing and sparring exhibitions football and baseball games skating golfing tennis hockey bathing dancing and all other forms of diversion sport recreation or pastime shows exhibitions contests displays and games and all other methods of obtaining admission charges donations contributions or monetary charges of any character from the general public or a limited or selected number thereof directly or indirectly in return for other than tangible property or specific personal or professional services

"Association" any partnership limited partnership or other forms of unincorporated enterprise owned by two or more persons

"Department" The Department of Revenue of this Commonwealth

"Established price" Regular monetary charge of any character whatever including donations contributions and dues or membership fees (periodical or otherwise) fixed and exacted or in any manner received by producers as herein defined from the general public or a limited or selected number thereof directly or indirectly for the privilege to attend or engage in amusements as herein defined In the case of any amusement conducted at any roof garden night club cabaret or other place where the charge for admission is wholly or in part included in the price paid for refreshment service or merchandise the amount paid for admission to such amusement shall be deemed to be twenty (20) per centum of the amount paid for refreshment service and merchandise

"Person" Every natural person copartnership association or corporation Whenever used in any clause prescribing and imposing a penalty or both the term "person" as applied to copartnerships or associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Place of Amusement" Any place indoors or outdoors where the general public or a limited or selected number thereof may upon payment of an established price attend or engage in any amusement as herein defined including among others theatres opera houses moving picture houses amusement parks stadiums arenas baseball parks skating rinks circus or carnival tents or grounds fair grounds social sporting athletic riding gun and country clubs golf courses bathing and swimming places dance halls tennis courts rifle or shotgun ranges roof gardens cabarets night clubs and other like places

"Producer" Any person as herein defined conducting any place of amusement as herein defined where the general public or a limited or selected number thereof may upon the payment of an established price attend or engage in any amusement

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any producer to continue to conduct or thereafter to begin to conduct any form of amusement at any permanent or temporary place of amusement or any itinerant form of amusement within this Commonwealth unless an amusement permit or permits shall have been issued to him as hereinafter prescribed

(b) Every producer desiring to continue to conduct or hereafter to begin to conduct any amusement within this Commonwealth shall file an application for a permanent temporary or itinerant amusement permit or permits as the case may be with the department Every application for such permit or permits shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant conducts or intends to conduct an amusement whether the applicant conducts or intends to conduct a permanent or temporary place or an itinerant form of amusment the location of the permanent or temporary place of amusement whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of amusement within the Commonwealth the application shall state the location of each place of amusement and in the case of itinerant form of amusement the date and length of time such amusement is to be conducted at each place In the case of an application for a permit for a temporary place of amusement the application shall state the name and address of the owner lessee or custodian of the premises upon which such amusement is to be conducted If the applicant is an association or a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the producer if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit

Upon approval of the application and the payment of any permit fee or fees herein required the department shall grant and issue to each applicant a permanent temporary or itinerant amusement permit for each place of amusement within the Commonwealth set forth in his application Amusement permits shall not be assignable and shall be valid only for the persons in whose names issued and for the conduct of amusements at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits for permanent places of amusement shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department Permits for temporary places of amusement or for forms of itinerant amusement shall expire at the time specified therein The holder of an itinerant amusement permit shall notify the department promptly of any change in the original contemplated itinerary either as to date or time of the conduct of the amusement at each place

(c) Permits issued for permanent places of amusement under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1.00)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents (50¢)

(d) The department may suspend or after hearing revoke an amusement permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any amusement permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends an amusement permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefore shall continue the suspension or revoke the permit

Section 4 (a) A State tax is hereby imposed upon the privilege to attend or engage in any amusement at the rate of one cent (1¢) for each twenty-five cents (25¢) or fraction thereof of the established price charged the general public or a limited or selected group thereof by any producer for such privilege which shall be paid by the person acquiring such privilege.

(b) In the case of persons (except bona fide employes of a producer or municipal or State officers on official business) admitted free or at reduced rates to any place of amusement at a time when and under circumstances under which an established price is charged to other persons the tax imposed by this act shall be computed on the established price charged to such other persons of the same class for the same or similar accommodations to be paid by the person so admitted

(c) In the case of persons having the permanent use of boxes or seats in any place of amusement or a lease for the use of such box or seat in such place of amusement the tax imposed by this act shall be computed on the established price for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder such tax to be paid by the lessee or holder

Section 5 (a) Producers shall collect the tax imposed by this act and shall be liable to the Commonwealth as taxpayers for the payment of the same into the State Treasury through the department as hereinafter provided in this act

(b) Where permits are obtained for conducting temporary amusements by persons who are not the owners lessess or custodians of the places where the amusements are to be conducted or where the temporary amusement is permitted by the owner lessee or custodian of any place to be conducted without the procurement of a permit or permits required by this act the tax imposed by this act shall be paid by the owner lessee or custodian (except the Commonwealth or any political subdivision thereof) of such place where such temporary amusement is held or conducted unless paid by the producer conducting the amusement

Section 6 For the purpose of ascertaining the amount of tax payable by producers to the Commonwealth it shall be the duty of

(a) Every producer except as hereinafter provided conducting a place of amusement on or before the tenth day of each month to transmit to the department on a form prescribed and prepared by the department a report under oath or affirmation of the amount of tax collected by him during the preceding month

(b) Every producer conducting a temporary place of amusement or itinerant form of amusement shall file a report with the department or any duly authorized agent thereof promptly after each performance where only one performance is conducted at one place on one day and in the event that more than one performance is conducted at one place on one day the report shall be made at the conclusion of the last performance conducted on such day Where performances are conducted at the same place for a period of more than one day and less than thirty days the report shall be made immediately after the termination of such period

All reports required under this section shall show such information as the department shall prescribe

Every producer at the time of making every report required by this section shall compute and pay to the department the taxes collected by him and due to the Commonwealth during the period for which the report is made less a two per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act shall in the case of places of permanent amusement be due and payable on the tenth day of the next succeeding month and in the case of temporary or itinerant forms of amusement it shall be due and payable on the day the reports in such cases are required to be made under this section and all such taxes shall bear interest at the rate of one per cent per month or fractional part of a month from the date they are due and payable until paid

If any producer shall neglect or refuse to make any report and payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided in this act

Section 7 In the case of a producer conducting a temporary place of amusement or any form of itinerant amusement the department may through its duly authorized agent make personal demand upon such producer liable as a taxpayer for any taxes required to be collected by him under this act and require the report and payment thereof immediately upon the termination of any performance after which the taxes shall become due and payable by such producer Upon failure of such producer to make a proper report and pay the taxes due and payable the department may issue its warrant to its duly authorized agent authorizing and directing such agent to collect such tax by distraint and sale of the goods chattels and effects of such producer In any such case the authorized agent of the department shall make or cause to be made an account of the goods chattels and effects distrained a copy of which shall be left with such producer and shall forthwith cause notice of the time and place of the sale to be publicly posted upon the premises in which the distrained goods chattels or effects are located and in two other public places in the vicinity The time of sale shall not be less than ten nor more than twenty days from the date of such distraint It shall be unlawful for such producer to remove molest or otherwise intermeddle with the goods chattels and effects so distrained at any time after such distraint and before the sale thereof Upon any sale under a distraint as authorized under this section the amount of the tax shall after deducting the expenses of such sale and all prior liens upon the property be first appropriated out of the proceeds thereof to the payment of the tax In any case of distraint for the payment of any taxes under this act the goods chattels or effects so distrained shall be restored to such producer if prior to the sale payment of the amount due is made to the duly authorized agent of the department Upon any such sale the bill of sale of the agent conducting the same shall be prima facie evidence of the right of the agent to make such sale and conclusive of the regularity of his proceedings in making the sale and shall transfer to the purchaser all right title and interest of such delinquent producer in and to the property sold

Section 8 (a) If the department is not satisfied with the report and payment of tax made by any producer under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such producer based upon the facts contained in the report or upon any information within its possession or that shall come into its possession.

(b) Promptly after the date of any such determination the department shall send or furnish a copy thereof to

such producer by mail or otherwise Within ten (10) days after the date of any such determination such producer may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

Section 9 Within ten (10) days after notice by the department of the action taken on any petition for redetermination filed with it the producer against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

Section 10 The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon its petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of the county in which the place of amusement where the tax in controversy was collected is located from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

Section 11 If any producer shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such producer and determine the amount due by him for taxes penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal

Section 12 The department or any agent appointed in writing by it is hereby authorized to examine the books papers tickets ticket stubs and records of any producer taxable under this act to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the taxes imposed by this act have been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one year or both in the discretion of the court

Section 13 A The department may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act including the allowance of exemptions under this act The department shall cause such regulations to be disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the department shall have the same force as if they formed a part of this act

B Subject to the provisions of this act and without limiting the general power conferred by the preceding subsection the department may make regulations regarding

(a) the form of and the manner of collecting tickets passes or admission cards to be used for admission to places of amusement

(b) the records to be kept by producers to show fully the amount of taxes required to be collected by them under this act which records shall be kept by such producers for a period of two years

(c) the establishment of places within the Commonwealth where reports and payment of taxes collected by producers under this act may be filed or made

(d) the return of any tax collected by a producer where a refund is made by him of the established price charged at any place of amusement the amount of tax so returned to be credited against the amount of tax reported in any subsequent report

Section 14 (a) All taxes herein imposed due and unpaid together with the interest and penalties thereon shall be considered a public account after being determined in the manner prescribed in this act and as such shall be a lien upon the franchises or property both real and personal of any producer after the same has been entered and indexed of record by the prothonotary of the county where the producer's franchises or property are situated

(b) The department may at any time transmit through the prothonotaries of the respective counties of the Commonwealth to be by them entered of record ceritfied copies of all liens for taxes collected or required to be collected by producers under the provisions of this act and penalties and interest thereon upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 15 Should any producer attempt to conduct a place of amusement without obtaining a permit as required by this act or continue to conduct any place of amusement after his permit therefor shall have been suspended or revoked then the department may through the Department of Justice bring an action to restrain such person from conducting such place of amusement Such action shall be brought in the name of the Commonwealth of Pennsylvania and shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county where the place of amusement is located If it is made to appear by affidavit or otherwise to the satisfaction of the court that the producer is violating the provisions of this act in the manner aforesaid a temporary writ of injunction shall forthwith issue restraining the producer from conducting the place of amusement until the terms of this act are fully complied with No bond shall be required in instituting such proceedings If such producer shall refuse to obtain a permit and otherwise comply with the provisions of this act within a time to be fixed by the court the court may make such injunction permanent until such time as the producer shall comply with the provisions of this act

Section 16 All taxes interest and penalties received collected or recovered under the provisions of this act during the first year after the effective date of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all taxes interest and penalties collected during the remaining effective period of this act shall be credited to the General Fund

Section 17 Any person who shall continue to conduct or shall hereafter begin to conduct a permanent or temporary place of amusement or any form of itinerant amusement without first obtaining an amusement permit or permits as required by this act or who shall fail to collect the tax required by this act to be paid by persons attending or engaging in the amusement conducted by such person or who shall knowingly submit any false or fraudulent report required under this act or who shall fail to make any report and payment of tax required by this act or who shall otherwise violate any of the provisions of this act or any rule or regulation of the department adopted and promulgated under this act shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred

dollars ($100.00) nor more than three hundred dollars ($300.00) and costs of prosecution or to undergo imprisonment for not more than six months or both in the discretion of the court

Section 18 (a) The State tax imposed by this act shall not apply to or be imposed upon the privilege to attend any amusement the proceeds of which after payment of reasonable expenses inure

(1) Exclusively to the benefit of religious educational and charitable institutions societies or organizations societies or organizations for the prevention of cruelty to children or animals or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions or societies or organizations conducted and maintained for the purpose of improving any municipal corporation or for the purpose of maintaining a co-operative or community center moving picture theatre or swimming pool provided that no part of the net earnings of the institutions societies or organizations inure to the benefit of any private shareholder or person provided That the exemptions allowed by this paragraph shall not apply to athletic games or contests between universities or colleges or to wrestling matches boxing sparing or other pugilistic matches or exhibitions

(2) Exclusively to the benefit of organizations or persons in the military or naval forces of the United States or of national guard organizations reserve officers associations or organizations posts or organizations of war veterans or auxiliary units or societies of such posts or organizations if such posts organizations units or societies are organized in the Commonwealth of Pennsylvania and if no part of their net earnings inure to the benefit of any private shareholder or persons

(3) Exclusively to the benefit of organizations or associations created and maintained for the purpose of benefiting the members or the dependents of or the heirs of members of police or paid or volunteer fire department of any political subdivision of the Commonwealth of Pennsylvania

(b) The State tax imposed by this act shall not apply to or be imposed upon the privilege to attend any agricultural fair if no part of the net earnings thereof inures to the benefit of any shareholders or members of the association or to the benefit of any person association or corporation conducting the same or upon the privilege to attend any exhibit entertainment or other pay feature conducted by such association as part of any such fair if the proceeds therefrom are used exclusively for the improvement maintenance and operation of such agricultural fairs

(c) In no event shall any exemption be allowed under this section unless the producer thereof shall comply with the provisions of this act and the rules and regulations of the department with respect to the application for and approval of exemptions

Section 19 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 20 This act shall become effective thirty days after its final enactment and shall continue in effect for two years after said effective date

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 828 (House Bill No. 1415), as follows:

An Act to amend section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing that the entry of an appearance for the respondent shall not be deemed collusive

Section 1 Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that section thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand nine hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 31 Appearance Answer The respondent may in any case brought under the provisions of this act cause an appearance to be entered and file an answer to the petition or libel and the entry of a general appearance shall be equivalent to personal service of the subpoena and libel

The entry of a general appearance by or in behalf of a respondent shall not be deemed collusion

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. SORDONI. Mr. President, I move that Senate Bill No. 929 (House Bill No. 1477), on second reading, entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners prescribing the powers and duties of such commissions and county commissioners and the Secretary of Agriculture of the Commonwealth and declaring any water in which mosquito larvae breed a public nuisance and subject to abatement as such and authorizing the imposing of the cost thereof on property owners.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Senate proceeded to the second reading and consideration of Senate Bill No. 929, (House Bill No. 1477), entitled:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners prescribing the powers and duties of such commissions and county commissioners and the Secretary of Agriculture of the Commonwealth and declaring any water in which mosquito larvae breed a public nuisance and subject to abatement as such and authorizing the imposing of the cost thereof on property owners

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever one hundred or more citizens residents of a county petition the county commissioners for the establishment of a county mosquito extermination commission the county commissioners shall at the next general municipal primary or special election occurring more than thirty days after the filing of such petition submit to the voters of the county the question whether or not a mosquito extermination commission shall be established in the county Such questions shall be

printed on the ballot or ballot labels in the form provided by the general election laws for the submission of such questions The vote on such question shall be counted returned and computed in the manner prescribed by the general election laws

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 1, page 2, line 1 and 2, by striking out the words "one hundred or more citizens residents of a county" and insert: "citizens of a county equal in number to at least ten per centum of the highest vote case for any office at the last preceding general or municipal election shall"

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 If a majority of the voters voting upon such question shall vote in favor of the establishment of such commission the county commissioners shall within thirty days thereafter appoint a mosquito extermination commission for such county consisting of five members The members first appointed shall hold office for terms of one two three four and five years respectively as specified in their certificates of appointment Annually thereafter the county commissioners shall appoint one member of such commission to serve for a term of five years Vacancies in the membership of such commission shall be filled by the county commissioners for the unexpired term The members of such commission shall serve without compensation No person employed by such commission shall be a member thereof The commission shall annually choose a chairman from among its members

Section 3 It shall be the duty of tne county commissioners to provide the mosquito extermination commission with a suitable office where its maps plans documents records and accounts shall be kept subject to public inspection at such times and under such reasonable regulations as the commission may determine

The mosquito extermination commission shall have power to appoint a secretary for such commission and to employ such other officers and employes as such commission deems necessary to carry out the purposes of this act and as the county commissioners may authorize The compensation of such secretary officers and employes shall be fixed by the salary board in counties where such board exists otherwise by the county commissioners

The mosquito extermination commission shall have power with the approval of the county commissioners to prescribe the duties of such officers and employes and to make rules and regulations for carrying out the provisions of this act

The fourth section of the bill was read as follows:

Section 4 The Secretary of Agriculture of the Commonwealth of Pennsylvania is hereby authorized and empowered to cooperate with and assist each mosquito extermination commission in the effective carrying out of its plans and work He shall be a member ex officio of each such commission and may authorize a deputy to attend its meetings as his representative He and his said deputy shall serve without compensation except that the necessary expenses actually incurred by them in the attendance at meetings of said commissions shall be allowed and paid by the Commonwealth as a part of the expenses of the Department of Agriculture He shall furnish the said commissions with such surveys maps information and advice as they may require for the prosecution of their work or as in his opinion will be of advantage in connection therewith He or his deputy shall have the right to enter public or private property to make inspections and render service in connection with mosquito control

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 4, page 3, line 25 to 29 inclusive, by striking out all of said lines; also page 4, beginning with line 1, and striking out all of said line and the balance of said section to line 14, inclusive.

Mr. HOWELL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows:

Section 5 The mosquito extermination commission acting as an agency of the county under the authority of the county commissioners shall have power to eliminate all breeding places of mosquitoes on private or public property within the county for which such commission is appointed and to do and perform all acts including the right to enter private or public property and to carry out all plans which in the opinion and judgment of such commission may be necessary or proper for the elimination of breeding places of mosquitoes or which will tend to exterminate mosquitoes within said county

Any water in which mosquito larvae breed is hereby declared a public nuisance and subject to abatement as such Whenever any such breeding place exists on any lands in the county which should in the opinion of the mosquito extermination commission be abated the commission shall in writing order the owner or owners of such lands to abate the same within a period and in a manner to be specified in such order If at the expiration of such period such order has not been complied with or if the owner or owners of the land cannot be ascertained or found the commission shall at once abate said nuisance and may assess all or part of the cost of abatement against the property

On the question,

Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 5, page 4, line 17, by striking out the word "commission"; also page 5, lines 8, 9, and 10, by striking out the words "and may" in line 8, and all of lines 9 and 10.

Mr. HOWELL. Mr. President, I second the motion?

On the question,

Will the Senate to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 Each mosquito extermination commission shall on or before the first day of November in each year submit to the Secretary of Agriculture a detailed estimate of the money required for the ensuing year and a plan of the work to be done and the methods to be employed The Secretary of Agriculture shall have power to approve modify or alter such estimates plans and methods but may not increase the amount of money provided therein and the estimates plan and method finally approved by him shall be by him forwarded to the county commissioners of the county on or before the first day of February following its receipt

On the question,
Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 6, page 5, lines 11 to 22 inclusive, by striking out the entire section.

Mr. HOWELL. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The seventh section of the bill was read as follows:

Section 7 The county commissioners shall have power and it shall be their duty to appropriate annually the amount of money so approved by the Secretary of Agriculture Provided That in no year shall the amount so appropriated exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county The sums so appropriated or so much thereof as may be required shall be paid out from time to time by the county treasurer on the orders of the county commissioners

On the question,
Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 7, page 5, line 25, by striking out the word "the" and insert such; also line 26, by striking out the words "so approved by the Secretary of Agriculture" and insert: "as shall be agreed upon by the mosquito extermination commission and the county commissioners"

Mr. HOWELL. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The eighth section of the bill was read as follows:

Section 8 It shall be the duty of each mosquito extermination commission annually on or before the first day of February of each year to submit to the Secretary of Agriculture and to the county commissioners of the county a report setting forth the amount of moneys expended during the previous year the methods employed the work accomplished and any other information which in its judgment may be pertinent

On the question,
Will the Senate agree to the section?

Mr. McCLURE. Mr. President, I move to amend section 8, page 6, lines 5 to 12 inclusive, by striking out the entire section.

Mr. HOWELL. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The ninth and tenth sections of the bill were read as follows and agreed to:

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 10 This Act shall become effective immediately upon its final enactment

The title of the bill was read as follows:

An Act providing for the eradication of mosquitoes authorizing the establishment of county mosquito extermination commissions after popular referendum and the appointment of their members by the county commissioners prescribing the power and duties of such commissions and county commissioners and the Secretary of Agriculture of the Commonwealth and declaring any water in which mosquito larvae breed a public nuisance and subject to abatement as such and authorizing the imposing of the cost thereof on property owners

On the question,
Will the Senate agree to the title?

Mr. McCLURE. Mr. President, I move to amend title, page 1, by striking out all of lines seven to twelve inclusive of the title.

Mr. HOWELL. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the title as amended?
It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 978 (House Bill No. 1119), entitled:

An Act to further amend section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" decreasing minimum widths of certain roads

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1058 (House Bill No. 440), entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and rpealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs towns and townships of the second class and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1077 (House Bill No. 1905), as follows:

An Act to amend the title and further amend the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws six hundred sixty-one) entitled "An act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing the liability for their support providing for the collection of the moneys due the Commonwealth therefore and for proceedings relating thereto" by extending the provisions of said act to the cases where counties and poor districts are in whole or in part liable for the expense of maintenance defining and extending the priority of claims against the estates of certain decedents for moneys due the Commonwealth counties and poor districts for the maintenance and support of insane feeble-minded and other persons confined in various institutions of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That the title and the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws six hundred sixty-one) entitled "An act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing liability for their support providing for the collection of the moneys due the Commonwealth therefor and for proceedings relating thereto" as amended by the acts approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred thirty-eight) and the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred four) are hereby further amended to read as follows

An Act relating to the maintenance of insane feeble-minded and other persons confined in the various institutions of the Commonwealth fixing liability for their support providing for the collection of the moneys due the Commonwealth counties and poor districts therefor and for proceedings relating thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That whenever any person is maintained as an inmate of any hospital home sanatorium or other institution of the Commonwealth [in whole or] in part at the expense of the Commonwealth and any county or poor district the property or estate of such person shall be liable for such maintenance to be paid or recovered as herein provided

Section 2 Every trustee committee guardian or other person nominated or appointed to take charge of the estate of any insane feeble-minded or other person who is an inmate of any State-owned mental hospital or any home asylum or other institution wherein said inmate is maintained in part by the Commonwealth and any county or poor district shall within three months after his appointment make a true and full report under oath to the Department of Revenue showing the amount and character of said estate and every year thereafter report to the Department of Revenu what if any changes there are in said estate and every executor or administrator of any deceased inmate of any mental hospital asylum home or institution who is maintained in part by the Commonwealth of Pennsylvania and any county or poor district as aforesaid shall within three months after letters testamentary of administration have been issued make a true full and complete report under oath to the Department of Revenue of the extent and character of such estate Whenever any fiduciary or person aforesaid shall file in any court an account of his administration of such property or estate he shall file a duplicate of such account with the Department of Revenue and no such account shall be confirmed except upon due proof to the proper court of the filing of such copy with the Department of Revenue Such fiduciary or person shall also notify the Department of Revenue when where and by whom such account will be audited and there shall be no confirmation of the report of an auditor auditing such account or final adjudication thereof by any court except after due proof to the proper court of the giving of such notice Any fiduciary or person aforesaid who shall fail to make any report to the Department of Revenue hereby required shall be personally liable for such amount due the Commonwealth and any county or poor district which amount may be recovered by suit brought in the name of the Commonwealth through the Department of Justice or in the name of any county or poor district as the case may be in the same manner as other debts are recoverable

Section 3 The husband wife father mother child or children of any person who is an inmate of any asylum hospital home or other institution and who is maintained [in whole or] in part by the Commonwealth of Pennsylvania or by any county or poor district and who is legally able so to do shall be liable to pay for the maintenance of any such person as hereinafter provided Whenever either of the owners of any property held by entireties shall be maintained in any institution as aforesaid and the separate property of such inmate shall not be sufficient to reimburse the Commonwealth and any county or poor district such property held by entireties shall be liable for the same to the extent or any order that any court of record of this Commonwealth may make against the spouse of such inmate either during the lifetime of such inmate or after his or her death The liability for the support of such inmate is hereby declared to be the joint liability of such owners to the extent of such order and enforcement against their joint as well as their several properties

Section 4 The court of common pleas of the county of the residence of any inmate of a State-owned mental hospital or any home hospital asylum or other institution wherein said inmate is maintained in part by the Commonwealth of Pennsylvania and any county or poor district shall upon the application of the Department of Justice acting on behalf of the Department of Revenue or the solicitor of any county or poor district make an order for the payment of maintenance to the Commonwealth and to any county or poor district upon the trustee committee guardian or other person who has charge of the estate of any such inmate or against the husband wife father mother child or children of any person so maintained and any order made against the husband wife father mother child or children shall be in such amount as the court in its discretion deems proper taking into consideration their ability to pay for said maintenance and said court may also upon like application direct any trustee committee guardian or other person having charge of any such estate to file with the Department of Revenue the statement required by the second section of this act

Section 5 The sworn statement of the superintendent steward or other person in whose custody are kept the records of any hospital home asylum or other institution not owned by the State wherein persons are maintained in part at the expense of this Commonwealth and any county or poor district and a statement of the Department of Revenue issued under its seal on behalf of any State-owned institution wherein persons are maintained in part at the expense of the Commonwealth shall be received as prima facie evidence in any court of this Commonwealth of the amount expended by the Commonwealth or any county or poor district for the support or maintenance of any such person in any proceding brought to recover the amount of such maintenance

Section 6 All claims by the Commonwealth counties and poor districts for maintenance as herein jrovided in the distribution of any of the estate of any person [so maintained] lilable under the provisions of this act shall take precedence and be paid after other claims which

by law are now given precedence and before any claims of general creditors

Section 7 Where there is a claim against the estate of any person liable under the provisions of this act for the maintenance and support of any person maintained in any home hospital asylum or other institution both on behalf of the Commonwealth and on behalf of any county or poor district and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the State and the county or poor district in he proportion of the amount of maintenance legally recoverable by each

Section 8 This act of Assembly is intended to apply to the collection of claims for maintenance due the Commonwealth counties and poor districts at the time of [its] the passage of this amendment as well as those to become due hereafter

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and greed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1087 (House Bill No. 2052), entitled:

An Act to amend section seven hundred fifty-five of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by permitting counties to extend county aid in the erection of bridges without requiring Grand Jury approval

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1094 (House Bill No. 2060), entitled:

An Act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1096 (House Bill No. 2063), entitled:

An Act authorizing the Secretary of Highways to purchase and lease or sell land or improvements thereon in connection with the work of the Department under certain terms and conditions and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1102 (House Bill No. 2132), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existing corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL DROPPED FROM CALENDAR

Mr. BUCKMAN. Mr. President, at the request of the sponsor of the bill, I move that the bill just read be dropped from the calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1107 (House Bill No. 2177), entitled:

An Act to amend section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Act Number fourteen) entitled "An act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed or a prior revival thereof" providing that certain mortgages shall have priority over such revived municipal claims

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1155 (House Bill No. 1073), entitled:

An Act to amend section four of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled "An act imposing a State tax payable by those herein defined as manufacturers and distributors on certain alcoholic beverages used or sold and delivered within the Commonwealth prescribing the method and manner of evidencing the payment and col-

lection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale of alcoholic beverages taxable hereunder and providing penalties" as amended prohibiting the importation of beverages into this Commonwealth unless the State tax thereon has been paid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1192 (House Bill No. 2130), as follows:

An Act to amend the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended to authorize and empower boroughs to construct or acquire waterworks and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens thereon and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article twenty-four of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended is hereby further amended by adding thereto after section two thousand four hundred thirty-six the following

(5a) Acquisition by purchase or Construction of Waterworks by the issuance of Bonds Secured Only by Lien on the Property and Imposing No Municipal Liability

Section 2437 Power to Issue Revenue Bonds Amount and Security of Bonds (a) Pursuant to Section 15 Article nine of the Constitution the council of any borough may construct or acquire by purchase a water-works and the appurtenances thereof and finance the construction or acquisition of such water-works and the appurtenances thereof with the proceeds of the sale of bonds secured only by liens thereon payable from the revenues thereof and imposing no municipal liability and may prescribe and collect rates fees and charges for the services facilities and commodities furnished by such water-works

(b) Any borough shall have power to fix the extent of the lien of said bonds upon the water-works and the appurtenances thereof for which said bonds are issued by pledging to the punctual payment thereof and of the interest thereon an amount of the revenues of such water-works and appurtenances or of any part of such water-works or appurtenances sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor The council of the borough in determining the cost of acquiring purchasing or constructing any water-works and appurtenances may include all costs and estimated costs of the issuance of said bonds all engineering inspection fiscal and legal expenses and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to subdivision (5a) of this article

Section 2428 Ordinance Authorizing Acquisition By Purchase or Construction of Water-Works Form Validity and Terms of Bonds (a) The acquisition by purchase or construction of any water-works may be authorized under this article and bonds may be authorized to be issued under subdivision (5a) of this article by ordinance or ordinances of the council of any borough Said bonds shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually may be in one or more series may bear such date or dates may mature at such time or times not exceeding forty years from their respective dates may be payable in such medium of payment at such place or places may carry such registration privileges may be subject to such terms of redemption may be executed in such manner may contain such terms covenants and conditions and may be in such form either coupon or registered as such ordinance or subsequent ordinances may provide Said bonds shall be sold at not less than par Said bonds may be sold at private sale to the United States of America or any agency instrumentality or corporation thereof Unless sold to the United States of America or any agency instrumentality or corporation thereof said bonds shall be sold at public sale to the highest bidder in the manner prescribed by existing statutes governing the sale of other bonds of boroughs Said bonds shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law of this Commonwealth

(b) Any ordinance or ordinances authorizing the issuance of bonds under subdivision (5a) of this article may contain covenants as to (1) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof (2) the use and disposition of the revenue of the water-works for which said bonds are to be issued including the creation and maintenance of reserves (3) the transfer from the general funds of the borough to the account or accounts of the water-works an amount equal to the cost of furnishing such borough or any of its departments or agencies with water (4) the issuance of other or additional bonds which are a charge or encumbrance on the revenue of said undertaking (5) the operation and maintenance of such water-works and appurtenances (6) the insurance to be carried thereon and the use and disposition of insurance moneys (7) books of account and the inspection and audit thereof and (8) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the court of common pleas of the county in which the borough is located which court shall have jurisdiction in such proceedings and which receiver may enter and take possession of said water-works and appurtenances operate and maintain the same prescribe rates fees or charges and collect receive and apply all revenue thereafter arising therefrom in the same manner as the borough itself might do The provisions of subdivision (5a) of this article and any such ordinance or ordinances shall be a contract with the holder or holders of said bonds and the duties of the borough and of its council and officers under this article and any such ordinance or ordinances shall be enforceable by any bondholders by mandamus or other appropriate suit action or proceeding in any court of competent jurisdiction

(c) Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the borough issuing the same The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition purchase or construction of the water-works or appurtenances for which said bonds are issued The ordinance authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to subdivision (5a) of article XXIV of this act which recital shall be conclusive evidence of their validity and of the regularity of their issuance

(d) No holder or holders of any bonds issued under subdivision (5a) of this article shall ever have the right to compel any exercise of taxing power by the borough to pay said bonds or the interest thereon Each bond issued under subdivision (5a) of this article shall recite in substance that said bond including interest thereon is

payable from the revenue pledged to the payment thereof and constitutes a lien on the water-works and appurtenances for the acquisition purchase or construction of which said bond was issued and that said bond does not constitute a municipal liability of the borough

Section 2439 Water-Works to be Self-Supporting Exemptions from Taxation Regulation (a) The council of a borough issuing bonds pursuant to subdivision (5a) of this article shall prescribe and collect reasonable rates fees or charges for the services facilities and commodities of such water-works and shall revise such rates fees or charges from time to time whenever necessary so that such water-works shall be and always remain self-supporting The rates fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation and maintenance of such water-works including reserves therefor

(b) Bonds and the income there from issued in pursuance to subdivision (5a) of this Article shall be exempt from all state county and municipal taxation except inheritance transfer and estate taxes

Section 2 That section two thousand four hundred three of said act is hereby amended to read as follows

Section 2403 Issue of Bonds Where Water-Works Acquired Where the price and terms are agreed upon a borough may become the owner of and operate any [water] water-works system and the appurtenances thereof owned and operated by a corporation furnishing water within the acquiring borough and in adjacent townships or nearby boroughs and may [pay therefor by obligations secured by liens on the property acquired and which shall be secured solely by such water works systems and property and the revenues thereof and without any other liability on the part of such borough which obligations shall be exempt from taxation for any purpose] finance such purchase by the issuance and sale of bonds in accordance with subdivision (5a) of this article [Provided That this section shall not apply where a duly organized water company is authorized to furnish and is furnishing service in the adjacent townships or nearby boroughs where the water company whose system is purchased under the provisions of this act had been furnishing service]

Section 3 That section two thousand four hundred twenty of said act is hereby amended to read as follows

Section 2420 Issue of Bonds For the purpose of such purchase the borough may issue bonds [which shall be secured solely by such water-works systems and property and the revenues thereof and without any other liability on the part of such borough] in accordance with the provisions of subdivision (5a) of this article

Section 4 Nothing in this Act shall be construed as to authorize any borough to construct a waterworks and the appurtenances thereof in a borough where a duly authorized water company as the charter right to furnish water to the public nor in any borough or part thereof in which an existing water company is furnishing service at the time of the proposed construction

Section 5 That sections two thousand four hundred twenty-one two thousand four hundred twenty-two two thousand four hundred twenty-three and two thousand four hundred thirty-three of said act are hereby repealed

Section 6 Constitutional Construction the provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 That sections one and two of the act approved the fifth day of June one thousand nine hundred fifteen (Pamphlet Laws eight hundred forty-six) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" insofar as it relates to boroughs are hereby repealed

Section 8 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1197 (House Bill No. 2468), as follows:

An Act validating certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several townships of the second class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act may be cited as "The one thousand nine hundred thirty-five Validating Act"

Section 2 The following terms wherever used or referred to in this Act shall have the following meaning

(a) The term "public body" means any county authority city borough incorporated town township school district poor district or other incorporated district of this Commonwealth

(b) The term "bonds" includes bonds notes warrants debentures certificate of indebtedness temporary bonds temporary notes interim receipts interim certificates and all instruments or obligations evidencing or representing indebtedness or evidencing or representing the borrowing of money or evidencing or representing a charge lien or encumbrance on specific revenues income or property of a public body including all instruments or obligations payable from a special fund

Section 3 All bonds heretofore issued for the purpose of financing or aiding in the financing of any work undertaking or project by any public body to which any loan or grant has heretofore been made by the United States of America through the Federal Emergency Administrator of Public Works for the purpose of financing or aiding in the financing of such work undertaking or project including all proceedings for the authorization and issuance of such bonds and the sale execution and delivery thereof are hereby validated ratified approved and confirmed notwithstanding any lack or power (other than constitutional) of such public body or the governing board or whenever heretofore the board of supervisors of any township of the second class of this Commonwealth has authorized by resolution the grading curbing guttering paving or macadimizing with concrete brick stone or other suitable material of any public road street or thoroughfare or portion thereof either cartway footwalk or gutters and has caused such improvement to be made and in such resolution has authorized the advertising for bids therefor and the assessment of benefits upon the property benefited thereby and subsequent thereto pursuant to a resolution passed after the passage and approval of the original resolution providing for the improvement has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor who was the successful bidder with the Commonwealth for the construction of any portion of such roads streets or highways without any advertising for bids on the part of the township as provided for in the original resolution authorizing such improvement and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvement against the property abutting along the line of improvement in accordance with the provisions of the original resolution authorizing the said improvement or has by

resolution provided for the assessment against abutting property owners of benefits for such improvement or whenever heretofore the board of supervisors of any township of the second class of this Commonwealth has required by resolution and caused to be made graded paved curbed or macadamized with brick stone or other suitable material or otherwise improved any property or public road street or thoroughfare or part thereof either cartway footwalk or gutter or has covered or enclosed any watercourse or waterway in any street or thoroughfare so as to improve or extend and increase the driveway in any road street or thoroughfare or has vacated confined paved or altered the channel of any water course or waterway or has caused any sewers whatsoever to be constructed within or without any such township or has caused ornamental lights to be erected pursuant to any resolution or has heretofore in accordance with existing law assessed a portion of the cost of such sewer as a sewage tax against property abutting along the line of said improvement on the side of said road street alley or highway which is located outside the limits of the township the owners of such property being given permission by the township to use such sewer and such property not being then provided with sewer facilities and has by resolution provided for the assessment against abutting property owners of benefits for such improvement but owing to some defect in the petition action of the board of supervisors notice of publication failure to make such improvement in accordance with the strict terms of any resolution or any other proceeding or action necessary under existing laws to give jurisdiction to such board of supervisors or because of noncompliance with existing laws as to the purchasing of materials and supplies or the awarding of contracts without advertising or because the resolution itself or the official record book containing the same has been lost mislaid or destroyed or such resolution has not been transcribed in the official record book or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of improvement or because of the neglect of viewers appointed to assess damages and benefits caused or accruing as a result thereof to file their report within time required by law for the filing thereof or because of irregularity or error in the method or procedure taken for the ascertainment of the amount of benefits to such property or because of any irregularity or error in the resolutions or passage or approval thereof authorizing the execution of the work the contracting therefor and the assessing of benefits therefor or where the right of the board of viewers to assume jurisdiction and to act in assessing the properties benefited thereby is questioned or because of any irregularity or error in the failing to bring the proceedings for the assessment of benefits for such improvement before the board of viewers within the time provided by law or the failure to assess the benefits therefore in the manner now provided by law or because of any irregularity or error in arriving at or determining the benefits assessed against any such property or because of the failure to give notice as required by law or the time for filing a lien or making claim for such improvement has expired or the claim has not been filed after notice to do so or for any other reason the costs of such improvement or portion thereof were not or cannot be legally assessed upon the property bounding or abutting on the line of the improvement or on the road street or part thereof improved or owing to some defect in the statement of claim filed to secure the lien or the failure of the township solicitor to file the lien in the court of common pleas or to sign the name or to have stamped thereon a facsimile signature of said solicitor or chief executive of the claimant for the costs of such improvement or any error made in the name of the owner or owners of the abutting property along the line of the improvement payment thereof cannot be enforced or if the resolution of the township authorizing the construction of any improvement was in fact adopted before such township was legally empowered to make such assessments on property within or outside the limits of such township if such improvement was actually constructed and such assessments against property within or without the limits of such township made subsequent to the time when such township was legally empowered to levy such assessments as was contemplated by the act or acts of General Assembly under which the improvement was attempted to be made and statement of claim filed now by this act such improvement is made valid and binding and also any statement of claim heretofore filed if any to secure the liens therefor is also made valid and binding and the jurisdiction of any board of viewers hereinbefore mentioned to entertain such proceedings and the assessments made pursuant to such proceedings against property within or without the limits of any such township shall be valid and binding and the supervisory of such township may cause the property bounding or abutting along the line of the improvement or on the road street or part thereof upon which the improvement has been made or is now being made to be assessed in the manner now provided by law or by the board of viewers' proceedings in the manner and at the rates now provided by law with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made or attempted to be made or is now being made and all such benefits and all assessments heretofore made or determined are hereby ratified confirmed and validated and any statement of claims heretofore filed if any to secure the liens therefore are also hereby ratified confirmed and validated Such assessment or other assessment heretofore made or hereafter made in proceedings now pending within the time limitations specified in this act shall be lien upon the property assessed and any lien heretofore filed for benefits assessed or for the cost of such imporvement of any part thereof although the report of the viewers assessing the same was not filed within the time required by law for the filing thereof is hereby made valid and binding with the same force and effect as though such report was filed within the time required by law for filing the same The lien shall date from the completion of the improvement for which the assessment is made whether the work was completed through one or several operations or contracts or from the date of filing the same and shall remain a lien until fully paid and satisfied Provided That a writ of scire facias is issued to revive the same during every period of five (5) years after the lien is filed as hereinafter provided And provided further That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the date of the filing thereof or give the lien thus filed priority over any bona fide lien or liens filed entered or recorded or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof

Section 2 The board of supervisors of any township of the second class of this Commonwealth entitled to a lien under this act shall file a lien therefor if not heretofore filed in the office of the prothonotary of the county within which the property lies within six (6) months after the completion of the work where the improvement is now in progress or within twelve (12) months after the confirmation absolute of the report of the viewers assessing the benefits for such improvement whether now or hereafter pending or within twelve (12) months after the approval of this act where the improvement is now completed if no lien has been heretofore filed for the same or within twelve (12) months after the passage of any resolution assessing benefits under the provisions of this act where the improvement is already completed and the same shall be entered upon record as other municipal claims Such liens shall state the name of the party claimant which shall be the corporate name of the township making the improvement name of the owner or reputed owner of the property assessed a reasonable description of the property assessed the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement for what improvement the claim is made the date of its completion the date of the assessment for which the lien is filed Such lien when so filed shall be prima facie evidence of all matters therein set forth and of the right of the township to recover the amount therein claimed to be due together with interest

from the date of the lien or completion of the improvement costs and an attorney's commission of five per centum for collecting

Section 3 The claim when so filed shall be proceeded upon for collection by writ of scire facias Provided That this act shall not apply to any proceeding suit or lien wherein a final order or judgment of any court of record has already been made or entered

Section 4 This Act shall become effective immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1225 (House Bill No. 2017), as follows:

An Act to establish a fund to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth or an employer exempted from such insurance and to provide for the administration thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the 'Workmen's Compensation Security Fund Act"

Section 2 As hereafter used in this act unless the context or subject otherwise require

"Fund" means the workmen's compensation security fund

"Carrier" means the State Workmen's Insurance Fund every insurance company or mutual association or company authorized to transact the business of workmen's compensation insurance in this Commonwealth and every employer exempted from such insurance unless any such company association or employer shall have deposited the full amount of its outstanding liability under the compensation law under a collateral trust agreement for the benefit of its injured employees and their dependents

"Insolvent carrier" means a carrier which has been determined to be insolvent or for which or for the assets of which a receiver or liquidator howsoever entitled has been appointed by a court or public officer of competent jurisdiction and authority after the effective date of this act

"Commissioner" means the Insurance Commissioner of this Commonwealth

"Workmen's Compensation Law" means the Workmen's Compensation Act of 1915 and its supplements and amendments

Section 3 There is hereby created a fund to be known as "The Workmen's Compensation Security Fund" for the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to the workmen's compensation act and remaining unpaid in whole or in part by reason of the default after the effective date of this act of an insolvent carrier Expenses of administration also shall be paid from the fund as herein provided Such fund shall consist of all contributions received and paid into the fund by carriers as herein defined all property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon moneys deposited or invested as herein provided The fund shall be administered by the Commissioner in accordance with the provisions of this act

Section 4 Every carrier shall on or before the first day of March one thousand nine hundred and thirty-six file with the Treasurer of the Commonwealth and with the Commissioner identical returns under oath on a form to be prescribed and furnished by the Commissioner stating the amount paid to injured employes and their dependents during the six months' period ending December thirty-first one thousand nine hundred and thirty-five Thereafter on or before the first day of March and September of each year each carrier shall file similar identical returns stating the amount of such payments made during the six months' period ending respectively on the preceding December thirty-first and June thirtieth

Section 5 For the privilege of carrying on the business of workmen's compensation insurance in this Commonwealth or of being exempted from such insurance as the case may be every carrier shall pay unto the fund on the first day of March one thousand nine hundred and thirty-six a sum equal to one per centum of its payments to injured employes and their dependents as shown by the return hereinbefore prescribed for the period ending December thirty-first one thousand nine hundred and thirty-five and thereafter each carrier upon filing each semi-annual return shall pay a sum equal to one per centum of its payments to injured employes and their dependents for the period covered by such return When the aggregate amount of all such payments into the fund together with accumulated interest thereon less all its expenditures and known liabilities becomes equal to two hundred and fifty thousand dollars ($250,000) no further contributions to said fund shall be required to be made Provided however That whenever thereafter the amount of said fund shall be reduced below two hundred and fifty thousand dollars ($250,000) by reason of payments from and known liabilities of said fund then such contribution to said fund shall be resumed from such date as the Commissioner shall prescribe and shall continue until such fund over and above its known liabilities shall be two hundred and fifty thousand dollars ($250,000) Provided further That if on the first day of March or September of any year the assets of the fund over and above its known liabilities shall exceed two hundred and fifty thousand dollars ($250,000) such excess shall be distributed to all contributing carriers in the proportion in which each carrier has made contributions to the fund.

Section 6 The Commissioner may adopt amend and enforce rules and regulations necessary for the proper administration of the fund In the event any carrier shall fail to file any return or make any payment required by this act or in case the Commissioner shall have cause to believe that any return or other statement filed is false or inaccurate in any essential particular or that any payment made is incorrect he shall have full authority to examine all the books and records of the carrier for the purpose of ascertaining the facts and shall determine the correct amount to be paid and may proceed in any court of competent jurisdiction to recover for the benefit of the fund any sums shown to be due upon such examination and determination Any carrier which fails to make any statement as required by this act or to pay any contribution to the fund when due shall thereby forfeit to said fund a penalty of five per centum of the amount of unpaid contribution determined to be due as provided by this act If any contribution shall not be paid in three months from the date it is due it shall be collectible in the same manner and with like effect as accounts due the Commonwealth

Section 7 The fund created by this act shall be separate and apart from any other fund and from all other Commonwealth moneys The State Treasurer shall be the custodian of the fund and all disbursements from the fund shall be made by the State Treasurer upon vouchers signed by the Commissioner as hereinafter provided The moneys of the fund may be invested by the State Treasurer only in bonds or securities which are the direct obligations of or which are guaranteed as to principal and iinterest by the United States or this State The State Treasury may sell any of the securities in which the fund is invested if advisable for its proper administration or in the best interest of the fund and all earnings from the investments of the fund shall be credited to the fund

Section 8 A valid claim for compensation or death benefits or installments thereof heretofore or hereafter made pursuant to the Workmen's Compensation Law which has remained or shall remain due and unpaid for sixty days by reason of default after the effective date of this act by an insolvent carrier shall be paid from the fund in the manner provided in this act Any person

in interest may file with the Commissioner an application for payment of compensation or death benefits from the fund on a form prescribed and furnished by the Commissioner A certified copy of the award must accompany the application The Commissioner shall thereupon certify to the State Treasurer such award for payment according to the terms of the same whereupon payment shall be made by the State Treasurer on warrant of the Auditor General and on requisition of the Commissioner

The Commissioner shall be entitled to recover the sum of all liabilities of such insolvent carrier assumed by such stock fund from such carrier its receiver liquidator rehabilitator conservator or trustee in bankruptcy employes and all others liable under any of the terms of the Workmen's Compensation Law and may prosecute an action or other proceedings therefor All moneys recovered in any such action or proceeding shall forthwith be placed to the credit of the fund by the State Treasurer to reimburse the fund to the extent of the moneys so recovered and paid

Section 9 After the effective date of this act upon any carrier becoming an insolvent carrier the Commissioner shall so notify the Workmen's Compensation Board which shall immediately advise the Commissioner (a) of all claim for compensation pending or thereafter made against such insolvent carrier (b) of all unpaid or continuing awards made upon claims for compensation prior to or after the date of such notice from the Commissioner and (c) of all appeals from or applications for modification revision or review of such awards

Section 10 The Commissioner or a respective committee of interested carriers which the Commissioner may from time to time appoint or both may investigate and defend before the Workmen's Compensation Board or any court any and all claims for compensation against an employer insured by an insolvent carrier or against an insolvent carrier and may prosecute any pending appeal from or may appeal from or make application for modification recision or review of any agreement award or decision against any such employer or carrier Until all such claims for compensation are closed and all awards are paid the Commissioner as administrator of the funds shall be a party in interest in respect to all such claims agreements and awards For the purposes of this section the Commissioner shall have exclusive power to select and employ such clerks and assistants as may be deemed necessary and to fix and determine their powers and duties

Section 11 The expenses of administering the fund shall be paid out of the fund The Commissioner shall serve as administrator of the fund without additional remuneration but may be allowed and paid from the fund expenses incurred in the performance of his duties in connection with the fund The compensation of persons employed by the Commissioner for the purposes of this act in connection with the fund shall be deemed administration expenses payable out of the fund in the manner provided in section seven of this act The Commissioner shall include in his regular report to the Governor a statement of the expenses of administering the fund during the period covered by such report

Section 12 Except as provided in this act no deposit bond or other security shall be required as a condition to authorization to transact the business of workmen's compensation insurance in this Commonwealth or as a condition to exemption from such insurance

Contributions by the State Workmen's Insurance Fund and insurance companies and mutual associations and companies authorized to transact the business of workmen's compensation to the fund created by this act at the rates fixed by this act shall be allowed in full as expenses of the business of workmen's compensation insurance by the Commissioner in fixing and approving rates for such insurance

Section 13 If any part of this act be adjudged unconstitutional it shall not invalidate the remainder of the act All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 14 This act shall take effect on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1225 (House Bill No. 2017), the bill just read, be recommitted to the Committee on Insurance.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1301 (House Bill No. 1778), entitled:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

The first and second section of the bill were read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage is or has been given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal of the mortgage debtor may be levied on or sold for the debt secured by such bond and mortgage

In every such case where a single mortgage binds more than one parcel of real property and one or more but not all of such parcels have been sold on execution on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage no further execution shall issue on such foreclosure or judgment against the remaining parcels so bound until the amount of the deficiency judgment has been determined as hereinafter provided

Section 2 In all cases where a bond and mortgage is or has been given for the same debt and the real estate is sold on the foreclosure of the mortgage or on the judgment entered on any obligation secured by the mortgage if the real estate shall not sell for a sum sufficient to satisfy the debt interest and costs then it shall be lawful to proceed for the deficiency that shall be determined in the manner hereinafter set forth

The third section of the bill was read as follows:

Section 3 Whenever any real property is sold on any execution on the foreclosure of any mortgage or on a judgment entered on any obligation secured by the mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs including taxes the plaintiff and use plaintiff shall within six months after such sale petition the court out of which such writ of execution issued to fix the fair value of the property sold at the time of such sale Notice of the presentation of such petition shall be given to the defendant or defendants and to all parties whose interests appear of record and to all persons bound by any obligation securing the payment of such mortgage debt at least ten days prior to the date of the intended presentation of such petition to the court Such petition shall be heard by a judge of such court sitting without a jury or may by rule adopted by such court be referred to a master for hearing and determination subject to confirmation by the court Provided that the fee of any such master shall

in no case exceed one hundred dollars ($100) nor the costs of any proceeding before a master the sum of fifty dollars ($50) And provided further That if the plaintiff or use plaintiff in his petition shall have averred his inability to defray the fees and costs of such proceeding before a master then a master shall not be appointed

On the question,
Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 3, page 2, line 29, by striking out the word "and" and insert in lieu thereof "or"; also page 3, line 7, by inserting after the word "debt" the following: "either by personal service or by registered letter directed to the last known place of residence of such parties"; also line 8, by inserting after the word "court" the following: "If the last known place of residence of any of such parties shall not be known to the plaintiff or use plaintiff, such notice shall be given by publication once in the legal newspaper, and in a newspaper of general circulation in the county, at least ten days prior to the presentation of such petition: Provided, however, That if there be no legal newspaper of general circulation, then in two such newspapers, otherwise in the one only.

Mr. GELDER. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fourth section of the bill was read as follows:

Section 4. At all such hearings any party in interest may introduce in evidence testimony of the fair value of the premises sold at the time of the sale In the event the fair value is greater than that for which the property was sold the amount of such fair value and not the price for which the property was sold shall be deducted from the amount of the judgment interest and costs including taxes and a deficiency judgment entered for the balance

On the question,
Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 4, page 3, line 25, by striking out the word "amount" and insert in lieu thereof "total of the amounts"; also page 3, line 25, by inserting after the word "including" the following: "all unpaid"; also line 25, by inserting after the word "taxes" the following: "and any prior mortgage or lien of any character not discharged by the sale."

Mr. GELDER. Mr. President, I second the motion
On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The fifth section of the bill was read as follows and agreed to:

Section 5. If the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the prothonotary shall upon application of the defendant or any person bound by any obligation securing the payment of such mortgage debt enter satisfaction of such judgment Such satisfaction shall have the effect of terminating as well as liability of all persons bound by any obligation securing the payment of such mortgage debt and the court shall have the power to make proper orders and decrees for cancellation of such liability and the surrender of any obligation evidencing such liability

The sixth section of the bill was read as follows:

Section 6 The defendant in the foreclosure proceeding or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing the payment of such mortgage debt or other person in interest may at any time after the sale petition the court in like manner to fix the fair value of the property sold at the time of the sale and in such case shall give notice of the presentation of such petition to the plaintiff and use plaintiff at least ten days prior to its presentation to the court whereupon the court shall determine the fair value in the same manner as heretofore provided in the case of a petition by the plaintiff or use plaintiff

On the question,
Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 6, page 4, line 17, by striking out the word "and" and insert in lieu thereof: "or"; also line 18, by inserting after the word "plaintiff" the following: "in the same manner as hereinbefore provided in the case of a petition by the plaintiff or use plaintiff"; also by inserting betweetn lines 21 and 22 the following section: "Section 7 Any purchaser at such sheriff's sale who is the holder of a mortgage lien subsequent to the one upon which the sale was had, shall not be entitled to proceed for the recovery of the amount of the debt secured by such subsequent lien until and unless a deficiency judgment shall be entered within the time and in the manner as hereinbefore provided in proceedings to obtain a deficiency judgment under the mortgage upon which the sheriff's sale was had and in such case all of the provisions of this act shall apply with the same force and effect as if the said sale had been held upon said subsequent lien or any obligation secured thereby."

Mr. GELDER. Mr. President, I second the motion.
On the question,
Will the Senate agree to the amendments?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The seventh section of the bill was read as follows:

Section 7 In either case whether the petition is presented by the plaintiff or use plaintiff or by the defendant or any other party in interest any party may during the period of notice required by this act demand a jury trial whereupon the fair value of the property at the time of the sale shall be fixed by a jury trial as in other cases

On the question,
Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 7, page 4, line 22, by striking out the figure "7" and insert in lieu thereof: "8"; also page 4, by inserting between lines 27 and 28 the following section: "Section 9 This act shall be deemed and shall be construed to be a continuation of the provisions of the act, approved the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-three, one thousand nine hundred thirty-three, one thousand nine hundred thirty-four), entitled "An act to protect the owners of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period," and all rights vested or duties or obligations imposed or rights forfeited under the provisions of said act shall be deemed continued so

vested, imposed or forfeited under this act and enforceable under this act, notwithstanding the expiration of said act of January seventeenth, one thousand nine hundred and thirty-four, by its own limitation.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth section of the bill was read as follows:

Section 8 This act is an emergency measure under the police power of this Commonwealth

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 8, page 4, line 28, by striking out the figure "8" and insert in lieu thereof: "10".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth section of the bill was read as follows:

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 9, page 5, line 1, by striking out the figure "9" and insert in lieu thereof: "11".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth section of the bill was read as follows:

Section 10 All acts and parts of acts inconsistent herewith are hereby suspended during the period this act shall remain in effect

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 10, page 5, line 8, by striking out the figure "10" and insert in lieu thereof: "12".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read as follows:

Section 11 The provisions of this act shall become effective immediately upon its final enactment and shall remain in force until the first day of July one thousand nine hundred and thirty-seven

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend section 11, page 5, line 11, by striking out the figure "11" and insert in lieu thereof "13"; also line 13, by striking out the words "remain in force until" and insert in lieu thereof; "apply to all sales made prior to; also line 14, by inserting after the word "thirty-seven" the following: "This act shall remain in force until the first day of January, one thousand nine hundred and thirty-eight"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to protect the owners of mortgaged property during the present emergency by restricting the right to proceed against certain property and limiting the time within which deficiency judgments may be proceeded for and limiting the amounts thereof during a certain period

On the question,

Will the Senate agree to the title?

Mr. BUCKMAN. Mr. President, I move to amend title, page 1, line 1 of title, by inserting after the word "protect" the following: "the obligors of bonds and mortgages and"; also line 1 of title, by striking out the word "mortgaged"; also line 1 of title, by inserting after the word "property" the following; "affected thereby"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 662 (HOUSE BILL NO. 936)

Mr. ARON. Mr. President, I move to reconsider the vote by which Senate Bill No. 662 (House Bill No. 936), entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements including every form of entertainment diversion sport recreation and pastime requiring persons partnerships associations or corporations conducting places of amusement to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and the use of the proceeds thereof permitting refunds of the tax in certain instances and providing penalties

was ordered transcribed for third reading.

The motion was agreed to.

Mr. CHAPMAN. Mr. President, I second the motion.

And the question recuring,

Will the Senate agree to the bill on second reading?

The twentieth and nineteenth sections of the bill were read and agreed to.

Mr. ARON. Mr. President, I move to reconsider the vote by which the eighteenth section was agreed to.

Mr. CHAPMAN. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend Section 13, page 19, line 3, by striking out the words "persons" and insert in lieu thereof: "person"; also page 19, line 20, by striking out the word "fairs" and insert in lieu thereof: "fair".

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventeenth, sixteenth and fifteenth sections of the bill were read and agreed to.

Mr. ARON. Mr. President, I move that the fourteenth section of the bill be reconsidered.

And the question recurring,

Mr. CHAPMAN. Mr. President, I second the motion.

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend Section 14, page 15, line 28, by striking out the words "the records to be kept by procedure to show" and insert in lieu thereof. "The department may at any time transmit through".

Mr. CHAPMAN. Mr. President, I second the motion.

Will the Senate agree to the amendment?

On the question,

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. ARON. Mr. President, I move that the thirteenth section of the bill be reconsidered.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. ARON. Mr. President, I move to amend Section 13, page 15, line 7, by striking out the words "The department may at any time transmit through" and insert in lieu thereof: "the records to be kept by producers to show".

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth, eleventh, tenth, ninth, eighth, seventh, sixth, fifth, fourth, third second and first sections of the bill were read and agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1409 (House Bill No. 2499), entitled:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1410 (House Bill No. 2509), entitled:

An Act to amend the act approved the twenty-first day of July one thousand nine hundred and nineteen (Pamphlet Laws one hundred sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by adding an additional section providing that each of the judges of the Orphans Court in certain counties may appoint a clerk and providing for the compensation of such clerks

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Act approved the twenty-first day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as last amended by section one of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws seven hundred forty) is hereby amended by adding Section 2 That in counties having a population of more than one million and less than one million five hundred thousand of this Commonwealth each of the judges of the orphans court of such counties in order to facilitate the disposition of the business of the court may select and appoint a clerk which said clerk may be a competent stenographer and shall perform such clerical duties in the court rooms or judges chambers as said judges may direct Said clerks shall each receive such annual compensation as shall be fixed by said judges which compensation shall not exceed four thousand dollars and shall be paid out of the county treasury in the same manner as other county officers are paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the first and second class of this Commonwealth each of the judges of the orphans' court of said [county] counties in order to facilitate the disposition of the business of the court may select and appoint a clerk which said clerks [shall] may be competent stenographers and shall perform such clerical duties in the court rooms or judges' chambers as said judges may direct Said clerks shall each receive such annual compensation as shall be fixed by said judges and shall be paid out of the county treasury in the same manner as other county officers are paid

On the question,

Will the Senate agree to the section?

Mr. McGINNIS. Mr. President, I move to amend section 1, page 2, line 24, by striking out with heavy-faced brackets the words "Section 2. That in counties" and insert in lieu thereof "the following section"; also page 2, by inserting after line 24, the following: "Section 2. That in counties"; also page 3, lines 8 to 23, by striking out

with heavy-faced brackets all of said lines, both inclusive.

Mr. KAHLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the twenty-first day of July one thousand nine hundred and nineteen (Pamphlet Laws one hundred sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by adding an additional section providing that each of the judges of the Orphans' Court in certain counties may appoint a clerk and providing for the compensation of such clerks

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 1422 (HOUSE BILL NO. 26621)

Mr. GRAFF. Mr. President, I move to reconsider the vote by which Senate Bill No. 1422 (House Bill No. 2661), entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one thousand eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders or dealers in goods wares and merchandise and providing for the collection of said tax" as amended clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts

was defeated on final passage on June 12th.

The PRESIDENT. How did the Senator vote?

Mr. GRAFF. Mr. President, I voted "no".

Mr. HUFFMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HUFFMAN. Mr. President. I voted "no"

And the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. GRAFF. Mr. President. I move that Senate Bill No. 1422 (House Bill No. 2661), the bill just read, be placed on the postponed calendar.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1431 (House Bill No. 314), entitled:

An Act to amend routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract execpt where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensd with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1437 (House Bill No. 1991), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and cited as The General Appropriation Act of one thousand nine hundred thirty-five

The second section of the bill was read as follows:

Section 2 The following sums or as much thereof as

may be necessary are hereby specifically appropriated from the General Fund in the State Treasury to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and thirty-five and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

1 EXECUTIVE DEPARTMENT

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars ($36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governors' Conference the sum of three hundred thousand dollars ($300,000)

For the payment of the cost of painting a portrait of Governor Gifford Pinchot to be placed in the office of the Governor in the Capitol Building the sum of seven hundred fifty dollars ($750)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars ($16,000)

For all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor the sum of four thousand dollars ($4,000)

For the cost of painting a portrait of Lieutenant Governor Edward C Shannon to be placed in the office of the Lieutenant Governor in the Capitol Building the sum of seven hundred fifty dollars ($750)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employes for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent indices records law books and other book necessary for the proper conduct of the work of the department the sum of one million six hundred fifty thousand dollars ($1,650,000)

For the payment of salaries wages and other compensation and travelling expenses of employes engaged in auditing the accounts of the State and county and district emergency relief boards the sum of ninety-five thousand dollars ($95,000)

For the payment of salaries wages and other compensation and travelling expenses of employes engaged in auditing and county accounts necessitated by a law providing reimbursement to counties for costs and maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code the sum of thirty-two thousand dollars ($32,000)

For the payment to the State's Fiscal Agent for the custody and safe-keeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars ($1,000)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars ($4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employes for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishing and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the Department the sum of eight hundred and fifty thousand dollars ($850,000)

For the payment of salaries or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work fo the Board of Finance and Revenue the sum of sixty-five thousand dollars ($65,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to State College the sum of twelve thousand six hundred dollars ($12,600)

For the payment of the expenses of publishing monthly statements of the general sinking fund and other funds of the Commonwealth as required by law the sum of sixty thousand dollars ($60,000)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes license fees or other moneys collected for and paid to the Commonwealth the sum of one thousand five hundred dollars ($1,500)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of one thousand dollars ($1,000)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of four hundred thousand dollars ($400,000)

For refunding transfer inheritance taxes on estates of nonresident decedents paid in error or overpaid the sum of one thousand dollars ($1,000)

For refunding moneys paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of two thousand dollars ($2,000)

For refunding fees paid for notary public commissions when such commissions have not been issued of if issued have not been received and have been canceled the sum of one thousand dollars ($1,000)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of twenty-five thousand dollars ($25,000)

For the purpose of refunding moneys other than taxes paid into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropriation the sum of two thousand five hundred dollars ($2,500)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital or institution for the feeble-minded in part supported by the Commonwealth the sum of twenty thousand dollars ($20,000)

For the purpose of refunding fees paid to the Pennsylvania Securities Commission in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars ($500)

For the payment of approved claims for refunds of liquor taxes including moneys paid for spirituous and vinous liquor tax stamps the sum of ten thousand dollars ($10,000)

For the payment of approved claims for refund of circus license fees the sum of two thousand one hundred fifty dollars ($2,150)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the Act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of six million five hundred thousand dollars ($6,500,000) according to the following schedule.

Date of Payment	Principal	Requirements Interest	Total
December 1 1935	$2,500,000.00	$ 421,875.00	$2,921,875.00
June 1 1935		375,000.00	375,000.00
December 1 1936	2,500,000.00	375,000.00	2,875,000.00
June 1 1937		328,125.00	328,125.00
Total	$5,000,000.00	$1,500,000.00	$6,500,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the Act approved the fifth day of January one thousand nine hundred and thirty-four (one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws page two hundred nineteen) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents ($7,450,192.50) according to the following schedule

Date of Payment	Principal	Requirements Interest	Total
September 1 1935		$ 487,500.00	$ 487,500.00
November 1 1935		300,000.00	300,000.00
March 1 1936	$1,237,253.21	487,500.00	1,724,753.21
May 1 1936	912,843.04	300,000.00	1,212,843.04
September 1 1936		487,500.00	487,500.00
November 1 1936		300,000.00	300,000.00
March 1 1937	1,237,253.21	487,500.00	1,724,753.21
May 1 1937	912,843.04	300,000.00	1,212,843.04
Total	$4,300,192.50	$3,150,000.00	$7,450,192.50

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the sum of twenty-two thousand five hundred dollars ($22,500)

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work and for the payment of any loss or damage, by dogs to live stock domestic game birds and poultry as provided by law the sum of one million seven hundred fifty thousand dollars ($1,750,000)

For the payment of the salaries wages or other compensation of employes and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg-Laying Contest as provided by the Act of May twentieth nineteen hundred thirty-one (Pamphlet Laws one hundred thirty-six) the sum of twenty-one thousand dollars ($21,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm Show Building and the grounds surrounding it the sum of sixty-five thousand dollars ($65,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock live stock products horticultural products handiwork cereals bees and bee products as provided by law Provided that such associations file such reports as may be required by the Secretary of Agriculture the sum of seventy-five thousand dollars ($75,000)

For the payment of indemnities for animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of six hundred thousand dollars ($600,000)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of one hundred eight thousand dollars ($108,000)

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam project the Water and Power Resources Board the Geographic Board the State Forest Commission and Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Township Delaware County for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million two hundred eighty-five thousand dollars ($1,285,000)

For the payment of expenses incurred for the extinction and control of forest fires the sum of two hundred thousand dollars ($200,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Washington Crossing Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty-five thousand dollars ($35,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials sup-

plies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy thousand dollars ($70,000)

For the supervision maintenance improvement regulation and preservation of State parks the sum of thirty thousand dollars ($30,000)

For the payment of salaries wages or other compensation of employes and for the payment of general and incidental expenses necessary to the maintenance of the Drake Well Memorial Park the sum of four thousand dollars ($4,000)

For the payment of salaries wgaes or other compensation of employes and for the payment of general and incidental expensse necessary to the maintenance of Conrad Wiser Memorial Park the sum of five thousand dollars ($5,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of two thousand dollars ($2,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars ($218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars ($14,000)

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million three hundred fifty thousand dollars ($2,350,000)

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of two million five hundred thirty-five thousand dollars ($2,535,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of five hundred fifty thousand dollars $(550,000)

And in addition to said amount all income and all monies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the Board of Property and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of four hundred fifty-one thousand dollars ($451,000)

For the payment of the cost of painting a portrait of Secretary of Internal Affairs Philip H Dewey to be placed in the office of the Secretary of Internal Affairs in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the department with respect to the Topographic and Geologic Survey the sum of one hundred fifteen thousand dollars ($115,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of deputy attorneyes general special deputy attorneys general assistant deputy attorneys general special attorneys laws clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and comissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of two hundred ninety-eight thousand dollars ($298,000)

For the payment of the salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Service Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capitol or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of two hundred forty-two thousand dollars ($242,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Board of Pardons the sum of fourteen thousand dollars ($14,000)

For the payment of salaries wages and other compensation of the Supervisor of Paroles Chief field agents field agents and other employes for the payment of general expenses necessary for the proper conduct of the work of the Board of Pardons in supervising prisoners released on parole from the State penitentiaries and the Pennsylvania

Industrial School and for other parole work of the board the sum of two hundred thirty thousand dollars ($230,000)

For the payment of compensation and general expenses incident to the preparation by the Department of Justice for presentation to the General Assembly at its Session of one thousand nine hundred thirty-seven of a revision of the criminal laws the insurance laws and the laws for the formation regulation and supervision of public service companies the sum of thirty thousand dollars ($30,000)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hundred dollars ($2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees and the Industrial Board and for the purchase of artificial appliances for and the payment of maintenance costs of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the rehabilitation acts the sum of one million seven hundred sixty-two thousand dollars ($1,762,000)

For the payment of the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of eight thousand five hundred dollars ($8,500)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy adjutant general and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory Commissions connected with the Department for the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation the sum of four hundred thousand dollars ($400,000)

For the purpose of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistance quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protecion of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service when in the field on actve duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary expenses including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to the Pennsylvania Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to The Department of Property and Supplies for the use of automibiles and other expenses necessary for the maintetnance training government discipline and equipment of the Pennsylvania National Guard for the payment of claims made by the War Department based upon approved reports of survey covering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and Inspectors for the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million one hundred sixty-two thousand dollars ($1,162,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals of the armories and be it further provided that these rentals shall be collected as heretofore and paid into the General Fund in the State Treasury throngh the Department of Revenue and credited to the appropriation made by this paragraph

For the payment of the salary of the Division Commander the sum of sixteen thousand dollars ($16,000)

For the payments of the salaries of the members of the State Athletic Commission for the payment of salaries wages or other compensation of a secretary and deputies and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Athletic Commission as approved by the Adjutant General the sum of ninety thousand dollars ($90,000)

For the payment of salaries wages or other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Propery and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and livestock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred thirty-five thousand dollars ($235,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

For the preparation and compilation of statistics and records of the soldiers sailors marines and nurses who participated from the Commonwealth of Pennsylvania in and of the civil activities of the State of Pennsylvania the wars in which the United States may have engaged during the World War for the preparation printing and distribution of compilations of the laws of the Commonwealth of Pennsylvania relating to soldiers sailors marines and nurses veterans' organizations and the Department of Military Affairs for the compilation of the records of burial places of soldiers sailors marines and nurses within the State of Pennsylvania as furnished by the county commissioners for the preparation and compilation of the records of service of those men who have served with the Pennsylvania National Guard in peace times for the employment of Veterans' Service Officers to furnish as-

sistance to any soldier sailor marine or nurse and his or her dependent who are residents of Pennsylvania who served in any of the wars in which the United States may have engaged in prosecuting any claim which they may have for assistance under the laws of the United States or of the State of Pennsylvania the sum of twenty thousand dollars ($20,000)

For the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and for the assistance of such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means as may be authorized and approved by the Adjutant General the sum of forty thousand dollars ($40,000)

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the department the sum of seventy-five thousand dollars ($75,000)

For the payment of salaries postage traveling expenses telephone toll charges telegrams freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred twenty-five thousand dollars ($525,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided for by law the sum of eight thousand dollars ($8,000)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Property and Supplies the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the cost of advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million five hundred thousand dollars ($1,500,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Board of Game Commissioners the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Board or the State Workmen's Insurance Board for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania State Police

For the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaeological and historical markers and for the purchase of all other materials supplies or equipment as set forth in the schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planting for State parks harbors or canals for the payment of the cost of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agency for the payment of the cost of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one million two hundred thousand dollars ($1,200,000)

For the purchase of fuel water gas steam electric current and sewage service for the agricultural experimental laboratories and the State Military Reservation for the purchase of fuel water gas steam and electric current and necessary devices required for reception and use of the same for the cost of grading and changing pipe lines relocating sewers and installing new sewers for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol Buildings the public grounds and buildings connected with the State Capitol the State Arsenal the stables of the Pennsylvania State Police in the city of Harrisburg the Publications Building the Executive Mansion any buildings or monuments of historical interest heretofore or hereafter acquired by the Commonwealth and any offices or building in the city of Harrisburg leased by the State when such items are not included in the rents paid for said offices or buildings for the payment of rents for such buildings garages offices rooms storage space and lands either within or without the city of Harrisburg as may be required for the accommodation or the performance of the work of the several departments boards and commissions of the State government including departmental administrative boards having control of State instituions and for the purchase of water gas steam and electric current required for buildings offices rooms and lands leased by the State within or without the city of Harrisburg when such items are not included in the rents paid for such buildings offices rooms and lands the sum of eight hundred eighty-five thousand dollars ($885,000) Provided That no part of this appropriation shall be available for expenditure in connection with buildings offices and lands leased on behalf of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to

them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and departmental administrative boards having control of State institutions unless hereinbefore otherwise specifically provided

For the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions of the State government as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for State funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned by the Commonwealth and purchased from moneys of the General Fund except motor vehicles permanently assigned to departmental administrative boards having control of State institutions which policy or policies shall protect both the Commonwealth and State officers or employes operating said motor vehicles against claims for damages for injury to person or property and for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of its several departments boards and commission except employes or dependents of deceased employes of departmental administrative boards having control of State institutions the sum of two hundred fifty thousand dollars ($250,000) Provided That no part of this appropriation shall be available for expenditure to cover employes or motor vehicles of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the State Emergency Relief Board and the Milk Control Board and the State Workmen's Insurance Board

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board and the State Workmen's Insurance Board for payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of five hundred thousand dollars ($500,000)

For the payment of the cost of cleaning and repointing the exterior stone work of the Main Capitol Building and the State Museum Building and otherwise preserving their exteriors from decay the sum of ninety-eight thousand dollars ($98,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of three hundred fifty thousand dollars ($350,000)

For the purchase and installation of a microphone system in the Hall of the House of Representatives in accordance with the recommendations of the Committee on the part of the House under authority of House Resolution Serial number two hundred and three the sum of twelve thousand dollars ($12,000) or so much thereof as may be necessary

To the Department of Public Instruction

For the payment of the Salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the State Council of Education the sum of five hundred seventy thousand dollars ($570,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred twenty-five thousand dollars ($225,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses including the cost of newspapers and periodicals deemed necessary for the work of the State Library with respect to collecting press information and distributing it to the several departments boards commissions and legislative offices and legislative agencies the sum of fifteen thousand dollars ($15,000)

For the payment of salaries wages or other compensation of deputy members and other employes for the payment of general expenses necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of five hundred thousand dollars ($500,000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department

For the payment of salaries wages or other compensation of members and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred ten thousand dollars ($110,000)

For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments building and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the expense of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers' Colleges and the Cheney Training School for Teachers as may be authorized and approved by the Su-

perintendent of Public Instruction the sum of three million five hundred thousand dollars ($3,500,000) and in addition to said amount all income and all monies collected at the various State Teachers' Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers' Colleges and Training Schools for the same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania $150,000

Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania $285,000

Thaddeus Stevens Industrial School at Lancaster Pennsylvania $75,000

For the payment of salaries of the county superintendents of public schools as required by law the sum of four hundred fifty-eight thousand one hundred dollars ($458,100)

For the payment of the expenses of county superintendents of public schools as required by law the sum of sixty-six thousand dollars ($66,000)

For the payment of the salaries of assistant county superintendents of public schools as required by law the sum of four hundred forty-two thousand eight hundred dollars ($442,800)

For the payment of the expenses of assistant county superintendents of public schools as required by law the sum of seventy thousand dollars ($70,000)

For reimbursement to school districts for transportation of school children as required by law the sum of two million five hundred thousand dollars ($2,500,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of employes and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of one million dollars ($1,000,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of two hundred fifty-seven thousand dollars ($257,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for nonresident high school tuition as required by law the sum of fifty-eight million dollars ($58,000,000) Provided that the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable such school districts to keep their public schools open

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of one million one hundred thousand dollars ($1,100,000)

For the payment into the School Employes' Retirement Fund to the credit of the Contingent Reserve Account of the School Employes' Retirement Fund as required by law the sum of two million four hundred thirty-five thousand dollars ($2,435,000)

For the payment into the School Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employes' Retirement Fund as required by law the sum of three million five hundred fifty thousand dollars ($3,550,000)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of two hundred thousand dollars ($200,000) To the Public Service Commission of the Commonwealth of Pennsylvania

For the payment of the salary of the Chairman the sum of twenty-one thousand dollars ($21,000)

For the payment of the salaries of six commissioners the sum of one hundred twenty thousand dollars ($120,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of one million fifty thousand dollars ($1,050,000)

For the payment of salaries wages or other compensation and for the payment of general expenses necessary for the revaluation of the Philadelphia Rapid Transit Company its underliers and other necessary revaluations and investigations instituted in connection therewith on the motion of the Public Service Commission the sum of two hundred thousand dollars ($200,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars ($15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of two million two hundred fifty thousand dollars ($2,250,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the fore-

going purposes this appropriation shall not be used for such purposes

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of ten thousand dollars ($10,000)

For the payment of the mileage of appraisers of mercantile and other license taxes the sum of thirty-five thousand dollars ($35,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of ten thousand dollars ($10,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for proofreading the Pamphlee Laws the sum of one hundred forty thousand dollars ($140,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of thirty-five thousand dollars ($35,000)

For the payment of salaries of State employes who have retired in accordance with the provisions of the Act of Assembly approved June fourteenth one thousand nine hundred fifteen (Pamphlet Laws nine hundred seventy-three) as amended the sum of thirty-nine thousand five hundred dollars ($39,500)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted by law the sum of two thousand forty dollars ($2,040)

For the payment into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of seven hundred forty-two thousand six hundred dollars ($742,600)

For the payment into the State Employes' Retirement Fund to the credit of the Contingent Reserve Account the sum of four hundred eight thousand four hundred thirty dollars ($408,430)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars ($30,000)

To the Pennsylvania State Police

For the payment of the salary of the Superintendent of State Police the sum of fifteen thousand dollars ($15,000)

For the payment of salaries wages or other compensation of the State Police Force a deputy superintendent and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Police for medical attendance and hospital charges not covered by insurance for members of the State Police Force injured in the line of duty and for the maintenance and operation of a radio broadcasting station the sum of two million one hundred fifty thousand dollars ($2,150,000)

For the purpose of installing operating and maintaining a teletype system linking the central office of said department and the offices of the various organized police forces of the cities boroughs and townships of the Commonwealth maintaining night offices and linking the said central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of four hundred thousand dollars ($400,000)

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred seventy thousand dollars ($370,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the State Council for the Blind the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh and the State Penitentiary at Rockview as may be authorized and approved by the Secretary of Welfare the sum of six million dollars ($6,000,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses for the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren and the Wernersville State Hospital at Wernersville as may be authorized and approved by the Secretary of Welfare the eight million seven hundred sixty thousand dollars ($8,760,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk and the Selinsgrove State Colony for Epileptics at Selinsgrove as authorized and approved by the Secretary of Welfare the sum of two million seven hundred thousand dollars ($2,700,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazelton the Locust Mountain State Hospital at Shenandoah the Nanti-

cola State Hospital at Kanaeoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million four hundred forty thousand dollars ($2,440,000)

For the payment of the costs of major repairs to buildings and equipment for improvements to plant not in the nature of major construction for new equipment and replacements of equipment for all State owned institutions under the supervision of the Department of Welfare as may be authorized and approved by the Secretary of Welfare with the approval of the Governor the sum of one million dollars ($1,000,000)

LEGISLATIVE DEPARTMENT

For the payment of the expenses of the Legislative Department for two years ending May thirty-one thousand nine hundred and thirty-seven and also for the expenses of the session and recess of one thousand nine hundred and thirty-five not previously provided for the following sums or so much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employes of the legislative session of one thousand nine hundred and thirty-seven shall only be paid after statement of the amounts due the several Senators Members officers and employes shall have been certified to the Auditor General by the President pro tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session of the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employes receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the day fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President pro tempore of the Senate session of one thousand nine hundred and thirty-seven the sum of one hundred twenty-six thousand dollars ($126,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-seven the sum of eighteen thousand dollars ($18,000)

For the payment of the postage session of one thousand nine hundred and thirty-seven allowed by law to fifty Senators each the sum of seven thousand five hundred dollars ($7,500)

For the payment of the postage session of one thousand nine hundred and thirty-seven for the chief clerk and assistants the sum of one hundred fifty dollars ($150)

For the payment of the postage session of one thousand nine hundred and thirty-seven to the Lieutenant Governor the sum of one hundred fifty dollars ($150)

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-seven the sum of four thousand five hundred dollars ($4,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provisions is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of eighty thousand dollars ($80,000) for the two years ending May thirty-first one thousand nine hundred and thirty-seven

For the payment of the mileage of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-seven the sum of eight thousand dollars ($8,000)

For the payment of the mileage of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the clerk to the President of the Senate for two years ending May thirty-one one thousand nine hundred and thirty-seven the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of fifteen thousand dollars ($15,000)

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant clerk of the Senate for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of three thousand eight hundred dollars ($3,800)

For the payment of the salary of the librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of nine thousand dollars ($9,000)

For the payment of the salary of the assistant librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of four thousand two hundred dollars ($4,200)

For the payment of the salary of the stenographer to the President of the Senate for the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of two thousand four hundred dollars ($2,400)

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand three hundred dollars ($6,300)

For the payment of the salaries of two watchmen of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the superintendent of the storeroom of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand dollars ($6,000)

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven

as provided by law the sum of eight thousand six hundred twenty-five dollars ($8,625)

For the payment of the salary of the messenger in the Senate Library for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of two thousand four hundred dollars ($2,400)

To the Secretary of the Senate for the payment of extra service in connection with the compilation of the History of the Legislation in the Senate session of one thousand nine hundred and thirty-five the sum of two thousand five hundred dollars ($2,500)

For the payment of the expenses of the Committee on Appropriations of the Senate session of one thousand nine hundred and thirty-seven in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the Treasury of the Commonwealth and for the necessary clerical assistance the sum of nine thousand six hundred dollars ($9,600) to be paid on the warrant of the Auditor General drawn in favor of the chairman of said committee on the presentation of his requisition for same and said chairman shall file an account of the committee's expense with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and thirty-seven the sum of seventy-five dollars ($75) (Act of June fourteen one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges of the President pro tempore of the Senate during the recess ending January first one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of four thousand dollars ($4,000) and for six months ending November thirtieth one thousand nine hundred and thirty-six the sum of two thousand dollars ($2,000)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of eight thousand dollars ($8,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

For the payment of the postage labor and incidental expenses in the office of the secretary of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of two thousand five hundred dollars ($2,500) and for the year ending May thirty-one one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year ending May thirty-one one thousand nine hundred and thirty-six the sum of two thousand eight hundred dollars ($2,800) and for the year ending May thirty-one one thousand nine hundred and thirty-seven the sum of two thousand eight hundred dollars ($2,800)

To the Secretary of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of one thousand dollars ($1,000)

To the House of Representatives

For the payment of the salaries of two hundred and eight Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and thirty-seven the sum of five hundred twenty-one thousand dollars ($521,000)

For the payment of the mileage of two hundred and eight Members of the House session of one thousand nine hundred and thirty-seven the sum of seventy-five thousand dollars ($75,000)

For the payment of postage session of one thousand nine hundred and thirty-seven allowed by law to two hundred and eight members one hundred fifty dollars ($150) each the sum of thirty-one thousand two hundred dollars ($31,200)

For the payment of postage session of one thousand nine hundred and thirty-seven to the chief clerk and assistants the sum of one hundred fifty dollars ($150)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and thirty-seven the sum of eight thousand dollars ($8,000)

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven also for the pay of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of eighty-eight thousand dollars ($88,000) for the two years ending May thirty-one one thousand nine hundred and thirty-seven

For the payment of the mileage of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven the sum of four thousand dollars ($4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-seven the sum of eleven thousand dollars ($11,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the assistant clerk of the House of Representatives for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand dollars ($6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the custodian of the

basement of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives or superintendent of the Hall of the House of Representatives if by act such position be created in place of the custodian of the Hall of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand nine hundred eight dollars ($7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of two thousand four hundred dollars ($2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the recess ending January first one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000) as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the stenographer to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of three thousand six hundred dollars ($3,600) or so much thereof as may be necessary

For the payment of the salary of the parliamentarian of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of six thousand dollars ($6,000) or so much thereof as may be necessary

For the payment of necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of thirteen thousand five hundred dollars ($13,500) and for the six months ending November thirtieth one thousand nine hundred and thirty-six the sum of six thousand dollars ($6,000)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first those accounts are to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the chief clerk shall not exceed the sum of thirteen thousand dollars ($13,000)

For the payment of postage labor express charges and other expenses in the office of the chief clerk of the House of Representatives for the year ending May thirty-one one thousand nine hundred and thirty-six the sum of three thousand five hundred dollars ($3,500) and for the year ending May thirty-one thousand nine hundred and thirty-seven the sum of three thousand five hundred dollars ($3,500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives session of one thousand nine hundred and thirty-seven in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the treasury of the Commonwealth and for necessary clerical assistance the sum of nine thousand six hundred dollars ($9,600) to be paid on the warrant of the Auditor General drawn in favor of the chairman of the said committee on presentation of his requisition for same the said chairman shall file an account of the committee's expenses with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of the expenses incident to issuing certificates of election to Members of the House of Representatives for the session of one thousand nine hundred and thirty-seven (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars ($750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incident thereto of Members of the House of Representatives officers of the House of Representatives or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

Legislative Miscellaneous

To the Chief Clerk of the House of Representatives for the purpose of paying unpaid bills of Joint Legislative or Senate or House Investigations held prior to the fifteenth day of May one thousand nine hundred and thirty-five in amounts not exceeding those hereinafter specified

For reporting and transcribing proceedings before Joint Legislative Committee to investigate the Insurance Department and insurance companies under Joint Resolution number eighty-three Session of one thousand nine hundred and thirty-three the sum of six thousand two hundred four dollars ($6,204)

For reporting and transcribing proceedings before the House Committee to investigate the penal institutions of the Commonwealth of Pennsylvania under Joint Resolution Special Session of one thousand nine hundred and thirty-three the sum of seven hundred ninety-nine dollars and twenty cents ($799.20)

For reporting transcribing and other necessary expenses incurred by the House Committee to investigate the operations of the liquor stores under Resolution Number forty Session of one thousand nine hundred and thirty-five the sum of twenty-three thousand five hundred dollars ($23,500)

Provided that the amounts hereby appropriated to the Chief Clerk of the House shall be distributed by him only after the receipt by him of detailed itemized vouchers satisfactory to the Department of the Auditor General and the Treasury Department covering the several amounts disbursed

For the payment of traveling and other expenses of the delegates of the General Assembly of Pennsylvania in attending the annual meetings of the American Legislators' Association the sum of two thousand five hundred dollars ($2,500)

For the support of the American Legislators Association and the Interstate Legislative Reference Bureau established by it to coordinate the work of the various State Legislative Reference Bureaus and other official agencies dealing with legislative matters the sum of two thousand dollars ($2,000) One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly instalments on requisition drawn by Auditor General Warrants for such payments shall be drawn to the order of the Director of the Interstate Legislative Reference Bureau

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Committee the sum of twenty-five thousand dollars ($25,000) to be paid on Auditor General Warrants drawn in favor of the Chairman of said Committee on the presentation of his requisition for the same The said Chairman shall file an accounting of the expenses of the Committee with the Auditor General thirty days after the convention of the next regular session of the Legislature following his appointment

For the payment of the compensation and expenses of the Electoral College one thousand nine hundred and thirty-six as provided by section thirty-two of an act of Assembly approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred and twenty five) entitled "An act relating to the elections of this Commonwealth' 'as amended by a supplemental act

of Assembly approved May twenty-fourth one thousand eight hundred and ninety-three (Pamphlet Laws one hundred and twenty-nine) the sum of one thousand dollars ($1,000) or so much thereof as may be necessary

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives for making indices for the journals of each House for the session of one thousand nine hundred and thirty-five the sum of one thousand five hundred dollars ($1,500)

For the work of the Legislative officials after the close of the session of one thousand nine hundred and thirty-five on the Legislative Journals also the proofreading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars ($4,500)

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and thirty-seven the sum of one thousand five hundred dollars ($1,500) in accordance with the act establishing said journals

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwomen regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and thirty-five and for the session of the General Assembly of one thousand nine hundred and thirty-seven and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of eighty-five thousand dollars ($85,000)

III JUDICIAL DEPARTMENT

For the payment of the salaries of the judges of the Supreme and Superior Courts the salaries and mileage of the president and other law judges of the several courts of common pleas in the Commonwealth and the judges of the several orphans' courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sum or so much thereof as may be necessary for the two fiscal years beginning June first one thousand nine hundred and thirty-five payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand dollars ($274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars ($56,000)

For the payment of the salary of the deputy prothonotary eastern district the sum of eight thousand six hundred dollars ($8,600)

For the payment of the salary of a chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salary of an assistant chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a clerk as assistant to the chief clerk of the prothonotary's office of the Supreme Court in the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a record clerk in the office of the prothonotary of the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salaries and expenses of the librarian assistant librarian and for the purchase of books for the library of the Supreme Court at Philadelphia the sum of seventeen thousand three hundred dollars ($17,300)

For the payment of the salary of the deputy prothonotary and clerk middle district the sum of four thousand eight hundred dollars ($4,800)

For the payment of an attendant of the Supreme Court room and office and showroom adjacent thereto middle district the sum of one thousand two hundred dollars ($1,200) payable monthy

For the payment of the salary of a clerk in the office of prothonotary of the Supreme Court western district the sum of six thousand six hundred dollars ($6,600)

For the payment of the salary of a court clerk in the office of the prothonotary of the Supreme Court western district the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and special clerk to the Chief Justice of the eastern middle and western districts the sum of sixty-nine thousand five hundred ninety-six dollars ($69,596) Provided That the crier for the middle district shall receive no other compensation from the State

For the purchase of stationery supplies and the payment of the necessary expenses of the said Supreme Court for the eastern district thereof the sum of fifteen thousand five hundred dollars ($15,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Supreme Court for the eastern district thereof

For the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of five thousand five hundred dollars ($5,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said court for the said western district thereof

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated February nineteen one thousand nine hundred and nineteen the sum of five thousand dollars ($5,000) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of eight hundred dollars ($800)

For the payment of expenses of Board of Governance of the Pennsylvania Bar the sum of five thousand dollars ($5,000)

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars ($253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judges of said court for expenses incurred in the discharge of their duties the sum of forty-nine thousand dollars ($49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of fifty-six thousand dollars ($56,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court and its officers the sum of ten thousand dollars ($10,000) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of two million eight hundred forty-two thousand dollars ($2,842,000)

For the payment of the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars ($100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars ($5,000)

For the payment of the judges of the courts of common pleas of Dauphin County for clerk hire in accordance with the law the sum of fourteen thousand four hundred dollars ($14,400)

Orphans' Courts

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate orphans' courts have been established by law the sum of five hundred sixty-four thousand dollars ($564,000)

Municipal Court of Philadelphia

For the payment of the salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of two hundred twenty-one thousand dollars ($221,000)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars ($121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars ($20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior common pleas and orphans' courts who may resign or retire in accordance with the provision of the Act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-one) the sum of one hundred sixty thousand dollars ($160,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars ($50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and thirty-five the sum of seven thousand dollars ($7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars ($10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars ($6,000)

For the payment of stationery clerk hire and assistants the sum of eight thousand dollars ($8,000)

On the question,

Will the Senate agree to the section?

Mr. CLARK. Mr. President, I move to amend section 2, page 3, line 6, by striking out after the word "of" and before the word "thousand" the word "four" and inserting in lieu thereof: "six"; also line 7, by striking out the figures "($4,000)" and inserting in lieu thereof: "($6,000)"; also page 52, between lines 15 and 16, by inserting the following new paragraph: "To the Secretary of the Senate for the payment of the salary of any Senator elected during the session of the General Assembly of one thousand nine hundred and thirty-five to fill vacancy happening during said session the sum of one thousand dollars ($1,000) or so much thereof as may be necessary"; also page 59, by inserting between lines 25 and 26, the following new paragraph: "To the Chief Clerk of the House of Representatives for the payment of the salary of any member of the House of Representatives electd during the session of the General Assembly of one thousand nine member of the House of Representatives elected during said session the sum of one thousand dollars ($1,000) or so much thereof as may be necessary": also page 64, line 16, by striking out after the word "of" the words "thirteen thousand five hundred" and inserting in lieu thereof: "twenty thousand eight hundred fifty"; also page 64, line 17, by striking out the figures "($13,500)" and inserting in lieu thereof: "($20,850)"; also page 64, line 18, by striking out after the word "of" the word "six" and inserting in lieu thereof: "eight"; also page 64, line 19, by striking out the following: "thousand dollars ($6,000)" and inserting in lieu thereof: "thousand five hundred twenty-five dollars ($8,525)"

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth, fifth and sixth sections of the bill were read as follows and agreed to:

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with section 604 605 and 606 of The Administrative Code

Section 5 The term "employes" as used in this act shall include all directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants in any department board and commission

Section 6 The term "general expenses" shall include all postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles payments to the Department of Property and Supplies of any expenses or costs of services incurred through the Purchasing Fund telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage and incidental expenses

The title of the bill was read as follows and agreed to:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at

the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1487 (House Bill No. 1056), entitled:

An Act to further amend section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels long roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damgaes"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1497 (House Bill No. 2397), entitled:

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1501 (House Bill No. 2627), entitled:

An Act to amend section two of the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-one) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" providing that retired judges may preside in the trial of cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1569 (House Bill No. 2403), entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing the requirements of foreign mutual insurance companies other than life for admission to do business in this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1603 (House Bill No. 1911), entitled:

An Act permitting licensing regulating and controlling horse racing grayhound racing and betting and wagering on such races creating a State racing commission and jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providng penalties and making an appropriation

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commmonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a State racing commission is hereby created as a departmental administrative commission in the Department of Agriculture which shall have all the powers and perform all the duties generally vested in and imposed upon departmental administrative boards and commissions by the administrative Code

The commission shall consist of three persons to be appointed by the Governor by and with the advice and consent of the Senate for terms of six years each The first appointees to said commission shall be appointed for two four and six year terms respectively and thereafter appointments at the expiration of the respective terms shall be for four years Vacancies in said commission shall be filled for the unexpired term Each commissioner appointed shall be a qualified elector of Pennsylvania and at least twenty-five years of age Not more than two commissioners shall be members of the same political party The Governor shall designate the chairman of the commission

No person shall be eligible to the office of commissioner or hold any position under the commission who holds any official relation to any person association or corporation engaged in or conducting racing within the State or who holds stocks or bonds therein or has any pecuniary interest therein Each commissioner shall give bond to the Commonwealth in the penal sum of twenty thousand dollars ($20,000) conditioned for the faithful performance of the duties of his office The members of the commission shall appoint and fix the salary of a secretary whose duty it shall be to keep a full and faithful record of its proceedings preserve all books documents and papers entrusted to his care and perform such other duties as the commission may prescribe The salary of the members of

the commission shall be six thousand dollars ($6,000) per annum except the chairman whose salary shall be six thousand five hundred dollars ($6,500) The salary of the secretary and all the inspectors clerks and other employes who shall be appointed in the manner provided by the Administrative Code for the appointment of employes of departmental administrative boards and commissions and the rental of offices and other expenses except the salaries of the commissioners shall not exceed fifty thousand dollars ($50,000) per annum The commission shall meet at such times and places within the State as it may determine

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 1, page 2, lines 4 and 5, by striking out the words "by and with the advice and consent of the Senate"; also line 5, by striking out the word "six" and insert in lieu thereof: "four"; also page 2, line 7, by striking out the word "four" where it appears the first time, and insert in lieu thereof: "three"; also page 2, line 7, by striking out the word "six" and insert in lieu thereof: "four"; also page 2, line 12, by striking out the word "twenty-five" and insert in lieu thereof: "thirty"; also page 2, lines 21 to 24, by striking out the words "Each commissioner shall give bond to the" in line 21, all of lines 22 and 23, and the words "the duties of his office" in line 24; also page 2, line 29, by striking out the words "The salary of the members of the"; also page 3, lines 1 to 4, by striking out all of lines 1, 2 and 3, and the words and figure "thousand five hundred dollars ($6,500)" in line 4, and insert: "The members of the commission shall serve without compensation"; also page 3, lines 9 and 10, by striking out the words "including the salaries of the commissioners" and insert: "except"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 No person association or corporation shall hold or conduct any meeting within this Commonwealth whereat horse racing greyhound racing with wagering on the results thereof shall be permitted unless such person association or corporation has first been licensed so to do by the State Racing Commission

For the purpose of this act horse racing is defined to include running races trotting races pacing races and steeple chase races

Any person association or corporation desiring to conduct racing with wagering on the results thereof within this Commonwealth during any calendar year shall apply to the State Racing Commission for a license so to do The application for a license shall be filed with the commission on or before the day fixed by the commission and shall specify the days in which it is desired to conduct racing The application shall be in such form and contain such other information as the commission may require The State Racing Commission shall as early as practical on or before the first day of August one thousand nine hundred and thirty-five and on or before the first day of March each year thereafter award all dates for such racing The dates so awarded shall not exceed one hundred days in the aggregate at all running horse race meetings not including running races at State or county fairs and hunt clubs which have regularly held running horse races during the past five years The dates so awarded shall not exceed fifty days in the aggregate at all harness horse race meetings not including harness horse races at State or county fairs

The award of dates made by the commission shall be final The commission shall have power to reject any application for a license for any cause it deems sufficient and shall reject any application if it is not satisfied with the financial responsibility and character of the applicant The action of the commission shall be final No application for greyhound racing licenses shall be approved unless the applicant agrees to conduct race meetings so licensed annually for a period of three consecutive calendar years as provided by this act and shall satisfy the commission of his its or their financial ability so to do The commission may vary the dates for racing requested by any person association or corporation The commission may subsequent to its award of dates for the year award other dates not conflicting with those already awarded if the dates so awarded do not exceed the aggregate number of days or the number of days for any one track or licensee provided for by this section

No one person association or corporation shall conduct more than two meetings with an aggregate of thirty days in any one year nor shall more than thirty days of racing be allowed on any one track nor shall any State or county fair or exhibition for the encouragement or extension of agriculture or hunt club be allowed to have more than six days of running horse races in any one year or on more than any one track No person association or corporation shall be licensed to conduct greyhound racing for more than ninety consecutive nights in one meeting or two meetings of sixty consecutive nights for each meeting in any one calendar year

On the question

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 2, page 3, line 15, by striking out the words "and greyhound racing"; also page 3, lines 19, 20 and 21, by striking out all of said lines; also page 4, lines 3, 4 and 5, by striking out the words "on or before the first day of August, one thou-" in line 3, all of line 4, and the words "first day of March" in line 5; also page 4, line 5, by striking out the word "thereafter"; also page 4, lines 17, 18 and 19, by striking out the words "shall reject any application if it is not sat-" in line 17, all of line 18, and the words "applicant. The action of the commission" in line 19, and insert: "its action"; also page 4, lines 19 to 24, by striking out the word "No" in line 19, and all of lines 20 to 24, both inclusive; also page 5, line 4, by striking out the words "horse race"; also page 5, line 5, by striking out the word "horse"; also page 5, lines 10 to 14, by striking out the words "No person associa-" in line 10, and all of lines 11 to 14, both inclusive.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 The State Racing Commission shall not issue a license for any running horse races to be held on a track less than one mile in circumference except at State or county fairs and hunt clubs which have regularly held running horse races during the past five years nor shall running races except at State or county fairs and hunt meetings be permitted for a purse stake or award of less than seven hundred dollars ($700) The State Racing Commission shall not issue a license for horse or greyhound race tracks within fifty miles of another similar track by the nearest highway This provision shall not apply to hunt meetings and country fairs

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 3, page 5, lines 22 to 26, by striking out the words "The State Racing" in line 22, and all of lines 23 to 26, both inclusive.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows:

Section 4 It is hereby declared since the major purpose of this act is the encouragement of agriculture and the breeding of horses in this Commonwealth that five per centum (5%) of the first money of every purse won by a horse bred in this Commonwealth shall be paid to the breeder of such horse

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 4, page 6, line 2, by striking out the words "a horse" and insert: "an animal"; also page 6, line 3, by striking out the word "horse" and insert: "animal".

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows:

Section 5 Before any license shall be issued to any person association or corporation authorizing it to hold and conduct meetings at which races upon the results of which there shall be wagering shall be permitted the commission shall require the applicant to pay to the State Treasurer through the Department of Revenue a license fee of five hundred dollars ($500) for each day of any running horse race meeting two hundred dollars ($200) for each day of any harness horse race meeting and one hundred dollars ($100) for each day of any greyhound race meeting providing however that meetings held by a State or county fair or any exhibition for the encouragement or extension of agriculture or hunt club shall pay fifty dollars ($50) for each day they hold races

If by reason of any cause beyond the control of the licensee it shall become impossible for such licensee to hold or conduct racing upon any rate for which a license was issued by the commission the licensee shall after approval by the commission be entitled to receive a credit on the taxes payable under the provisions of this act for the amount of license fee paid for such day when no racing was conducted

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 5, page 6, lines 10 and 11, by striking out the words and figures "five hundred dollars ($500)" and insert: "one thousand dollars ($1,000)"; also page 6, line 12, by striking out the brackets before and after the word "and"; also page 6, lines 13 and 14, by striking out the words "and one hundred dollars ($100) for each day of any greyhound race meeting"; also page 6, line 19, by striking out the bracket at the beginning of said line; also page 6, line 26, by striking out the bracket at the end of said line.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 A State tax of fifteen per centum (15%) the gross receipts derived from admissions by each person association or corporation licensed to conduct racing less any Federal taxes but such tax shall not be less than ten cents for each admission except in the case of State or county fairs and exhibitions conducted by incorporated agricultural associations and societies which shall be exempt from the tax on admissions and a State tax of three per centum (3%) of the total amount bet or wagered on such races through the use of pari-mutuel machines or other devices within the enclosure of any race meeting licensed and conducted under this act but not elsewhere is hereby imposed The sale of pari-mutuel pools under such regulations as the commission shall prescribe is hereby authorized and permitted Commissions on such pools shall in no event and at no track exceed the amount allowed by this act and the odd cents of all redistributions to be made on all mutuel contributions exceeding the sum equal to the next lowest multiple of ten Such maximum shall include the three per centum tax hereinbefore prescribed

The person association or corporation licensed to conduct racing shall be liable to pay such taxes Each licensee shall within seventy-two hours after the conclusion of any racing day make report to the Department of Revenue on forms supplied by that Department showing the daily gross receipts from admissions less Federal taxes and the daily total amount bet on such races and such other information as the Department may require and shall at the same time pay to the State Treasurer through the Department of Revenue the taxes imposed by this act A copy of each such tax return shall also within said period of seventy-two hours be filed with the racing commission

The said taxes imposed by this act shall be settled resettled and otherwise imposed and adjusted by the Department of Revenue in the same manner and subject to the same penalties interest and right of resettlement review appeal and refund as provided by law in the case of taxes on gross receipts In case of the default in the payment of such taxes interest or penalties in whole or in part recovery may be had for the amount due the Commonwealth on the bond filed with the Department

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 6, page 7, line 7, by striking out the words and figure "fifteen per centum (15%)" and insert: "ten per centum (10%)"; also page 7, lines 9, 10 and 11, by striking out the word "but" in line 9, all of line 10, and the part-word "mission" in line 11; also page 7, lines 17 to 26, both inclusive, by striking out all of said lines, and insert: "is hereby imposed"; also page 7, line 29, by striking out the words "seventy-two hours" and insert: "ten days"; also page 8, line 1, by striking out the words "racing day" and insert: "meeting at which racing was conducted"; also page 8, lines 8, 9 and 10, by striking out the words "A copy of each such" in line 8, and all of lines 9 and 10.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows:

Section 7. The State Racing Commission shall have power to prescribe rules regulations and conditions under which all horse and greyhound races upon the results of which there shall be wagering shall be conducted It may make rules and regulations governing restricting or regulating betting on such races and may fix or regulate the rate of charge by the licensee for admission or for the performance of any service or the sale of any article on the premises of the licensee All contracts and agreements for the payment of money and all salaries fees and compensation paid by any licensee and all proposed extensions additions or improvements to the buildings stables kennels improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 7, page 8, line 22, by striking out the words "and greyhound"; also page 9, line 2, by striking out the word "kennels"; also page 9, line 5, by striking out the bracket at the beginning of said line; also page 9, line 17, by striking out the bracket at the end of said line.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth and ninth sections of the bill were read as follows and agreed to:

Section 2 The commission shall also have power to require that the books and financial or other statements of any licensee shall be kept in such manner as it may require The commission and its agents or the Department of Revenue and its agents may at all times visit and investigate the offices tracks and business of each licensee and may place employes experts and accountants at tracks for the purpose of ascertaining that the commission's rules regulations and conditions are being complied with and to ascertain the amount paid in admissions and bet or wagered on pari-mutuel machines or other devices in order that the full amount of taxes may be received by the Commonwealth and that no excessive percentages are retained by any licensee

Section 9 . The commission shall have power to suspend or revoke the license issued to any person association or corporation for any period whatever and for any reason it deems sufficient In any such case the license fee paid to the Commonwealth shall be forfeited by the licensee

The tenth section of the bill was read as follows:

Section 10 Betting or wagering upon the results of horse or greyhound races conducted under the provisions of this act when done within the grounds where and on the day when a horse or greyhound race is so lawfully conducted is hereby declared lawful if such betting or wagering is done through the use and by means of machines commonly known as pari-mutuel machines or other devices approved by the commission and in accordance with the rules and regulations and conditions adopted by the commission It shall be lawful for any person association or corporation licensed to conduct racing to operate such pari-mutuel machines or other devices and to retain for its own use such amount only of the receipts as may be fixed by the rules and regulations of the commission provided however that in no event shall the licensee retain a sum exceeding ten per centum (10%) in the case of horse races fifteen per centum (15%) in the case of greyhound races and such percentage as the commission shall fix in the case of hunt meetings and county fairs of the total amount bet or wagered. The amount so deducted shall be in addition to the State tax of three per centum (3%) of the total amount bet or wagered payable to the Commonwealth

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 10, page 10, line 9, by striking out the word "or greyhound"; also page 10, line 11, by striking out the words "or greyhound"; also page 10, line 14, by inserting after the word "commission" the following: "used only in conjunction with totalizing devices so placed as to be visible to the public showing the status of the betting as the same progresses"; also page 10, lines 23 to 27, by striking out the words "ten per centum (10%) in the case of" in line 23, and all of lines 24, 25 and 26, and the word "fairs" in line 27, and insert: "five per centum (5%)"; also page 10, line 27, by striking out the bracket before the word "and"; also page 10, line 29, by striking out the bracket after the figure "(10)"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eleventh section of the bill was read as follows:

Section 11 No person under the age of sixteen years shall be permitted to attend any horse or greyhound races upon the results of which there shall be wagering unless accompanied by his or her parent or guardian No minor under sixteen years of age shall be employed in about or in connection with any establishment or at any such race track No minor shall knowingly be permitted by any licensee or his or its employes to bet or wager on the result of horse or greyhound races

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 11, page 11, line 5, by striking out the words "or greyhound"; also page 11, line 12, by striking out the words "or greyhound"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The twelfth section of the bill was read as follows:

Section 12 Any person association or corporation conducting any meeting or aiding or betting in the conduct of any meet at which the racing of horses or greyhounds shall be permitted for any stake prize purse or award except in accordance with the license duly issued and unsuspended or unrevoked as provided in this act or who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500) or more than ten thousand dollars ($10,000) for each day of such unauthorized meeting or to suffer imprisonment not exceeding two (2) years or both

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 12, page 11, line 15, by striking out the words "or greyhound"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The thirteenth section of the bill was read as follows and agreed to:

Section 13 Nothing contained in this act shall be construed to affect or apply to State or county fairs and exhibitions conducted by incorporated agricultural associations and societies and hunt clubs where no betting or wagering on races is permitted

The fourteenth section of the bill was read as follows:

The State Treasurer upon the receipt of any moneys from the Department of Revenue arising from fees or taxes imposed under the provisions of this act shall deposit the same as follows:

First deposits shall be made each fiscal year into the General Fund until the amount so deposited therein is equal to the appropriation made to or available for expenditure by the commission during said fiscal year

Second any over-plus available after reimbursement of the General Fund as aforesaid shall be credited to any appropriation for unemployment relief made to the State Emergency Relief Board or other agency having supervision over such appropriations and available for expenditure during said fiscal year and such moneys so credited are hereby specifically appropriated for direct and work relief in the same manner and for the same purpose as the appropriation to which credited Provided however if no appropriation for unemployment relief shall have been made said over-plus shall be paid into the General Fund

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 14, page 12, line 3, by striking out the bracket at the beginning of said line; also page 12, line 29, by striking out the bracket at the end of said line; also page 13, line 1, by striking out the bracket at the beginning of said line; also page 13, line 18, by striking out the bracket after the word "State"; also page 13, line 18 to 29, by striking out the words "the State Treas-" in line 18, and all of lines 19 to 29, both inclusive; also page 14, lines 1 to 8, both inclusive, by striking out all of said lines.

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth section of the bill was read as follows and agreed to:

Section 15 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

The sixteenth section of the bill was read as follows:

Section 16 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Agriculture to be available for expenditure for the fiscal biennium beginning June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven for the payment of the salaries and expenses of the State Racing Commission and the salaries and expenses of the secretary inspectors clerks and other employes appointed under the provisions of this act and for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles telephone and toll charges telegrams freight express postage and other incidental expenses necessary for the proper conduct of the work of the commission

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 16, page 14, line 23, by striking out the words "salaries and"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventeenth section of the bill was read as follows and agreed to:

Section 17 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows:

An Act permitting licensing regulating and controlling horse racing and greyhound racing and betting and wagering on such races creating a State racing commission and jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties and making an appropriation

On the question,

Will the Senate agree to the title?

Mr. FREY. Mr. President, I move to amend title, page 1, lines 1 and 2 of title, by striking out the words "and greyhound racing"; also line 5 of title, by striking out the heavy-faced bracket before the part-word "pro-"; also last line of title, by striking out the heavy faced bracket after the word "thereon"

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1615 (House Bill No. 2109), entitled:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamplet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the

Department of Internal Affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 1637 (House Bill No. 978), on second reading, entitled:

An Act to amend and add a new section to the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration and requiring beauty shops to be in charge of managers providing additional grounds for the issuance of certificates without examinations and extending the time therefor

be re-committed to the Committee on State Government.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rulel requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1646 (House Bill No. 1687), entitled:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarfying the powers and duties of said tax collector

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand four hundred and two two thousand five hundred and fifty-two and two thousand five hundred and fifty-four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful bond of the [city] Commonwealth with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the council in such sum as it may byor dinance direct conditioned for the honest and faithful discharge of his official duties and the safe-keeping and payment over of all public moneys entrusted to his acre and that as tax collector of city county school and poor taxes he shall welu and truly perform his duties [collect] and pay over all taxes penalties and interest collected to the taxing authority entitled thereto [or] and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him by the several taxing authorities during his term of office by payment over of the taxes collected by showing exonerations by the return of real estate on which taxes remain unpaid or by the making out of schedules of city county school and poor taxes uncollected upon his duplicates as provided in section two thousand ve hundred and sixty-eight of this act The city treasurer shall be required to give but one bond [to the city] which shall include his duties as city treasurer and collector of city county school and poor taxes and shall cover the full term of his office Should the city county school district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the city treasurer shall be for the use of the city the county the school district and the poor district

He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city county school district and poor district shall be fixed as provided in article twenty-five of this act

Section 2552 City Treasurer to be Tax Collector The city treasurer by virtue of his office shall be the collector of the city county school and poor taxes assessed or levied in the city by the proper authorities therein

Section 2554 Oath of City Treasurer as Collector of Taxes At the time the city treasurer enters upon his duties he shall take and subscribe his oath of office as collector of city county school and poor taxes which oath shall be filed with the city clerk

The second section of the bill was read as follows:

Section 2 That section two thousand five hundred and fifty-six of said act which was amended by the act approved the twenty-seventh day of April one thousand nine hundred ond thirty-three (Pamphlet Laws ninety-one) is hereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense to be Shared The compensation or commission of the said treasurer as collector of city county school and poor taxes shall during the terms of the tax collectors in office at the time this act takes effect be and remain as now provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county school and poor taxes which salary shall be fixed before the election of any tax collector jointly by the city council the county commissioners and the board of school directors within the limits hereinafter prescribed In fixing the salary of the tax collector the city [shall have five votes each member of the council having one vote and] the school district [shall have five votes to be distributed equally among the members of the board of school directors each director having five-ninths or five-

sevenths of a vote depending on the number of directors] and the county shall each have one vote

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants [and not exceeding fifty thousand] the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

[In cities having a population of more than fifty thousand inhabitants and not exceeding fifty-five thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitiants the annual salary of the tax collector shall be seven thousand five hundred dollars ($7,500)]

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council [and] the board of school directors and the county commissioners in the same manner as in the case of the tax collector

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor service

The city county and the school district shall in equal proportions pay the cost of staitonery supplies printing notices postage telephone service and incidental expenses necessarily incurred in the conduct of the tax collector's office and the salaries of the tax collector and his reputies clerks and assistants Said salaries shall be paid monthly or semi-monthly in the same manner as other officers of said county and school district

[If at any time the city treasurer shall fail to qualify as collector of school taxes his compensation for the collection of city taxes shall be one-half of that fixed in accordance with this act which salary and all other expenses as hereinbefore provided shall be paid by the city]

The city county and the school district [respectively] shall be required to pay each one-third of the [premiums] premium on the [bonds] bond required to be given by law by the tax collector to the [city and the school district] Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicate or duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a succor the tax accounts of the outgoing treasurer shall be adjusted and balance to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the outgoing treasurer shall be given

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend section 2, page 5, line 11, by striking out the light-faced brackets before and after the words "and not exceeding fifty thousand"; also page 5, line 15, by striking out the light-faced bracket at the beginning of said line; also page 5, line 21, by striking out with light-faced brackets the word "be" and insert in lieu thereof: "not exceed"; also page 5, line 21, by striking out the light-faced bracket at the end of said line.

Mr. BEAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections of the bill were read as follows and agreed to:

Section 3 That sections two thousand five hundred and fifty-seven and two thousand five hundred and fifty-eight of said act are hereby amended to read as follows

Section 2557 Date of Delivery of Duplicate Collection The council of each city and the poor authorities now empowered or which may be hereafter empowered to levy taxes upon persons and property within the city shall on or before the rst day of March in each year make out and deliver their respective duplicates of taxes assessed to the city treasurer os the collector of the said taxes which shall be collected by the city treasurer by virtue of his office as aforesaid The proper county and school authorities shall make out and deliver the county and school duplicates of their respective [school districts of said] taxes in such city at the time and in the manner provided by the school laws of the Commonwealth All duplicates of taxes placed in the hands of said treasurer shall at all times be open to proper inspection of the taxpayers and of the proper auditing and examining officers of said city county or [of the] school district as the case may be and shall be delivered by said treasurer at the expiration of his term to his successor in office

Section 2558 Warrants for Collection of Taxes The said several duplicates shall be accompanied with the warrants of the proper authorities directing and authorizing the said treasurer as the collector of taxes to collect the same The warrant for the collection of any school tax shall be executed in the manner provided by the school laws of the Commonwealth The warrant for the tax levied by the city shall be executed by the mayor and be countersigned b ythe city controller In the case of county and poor taxes the warrant shall be executed by the authority levying the tax

Section 4 That sections two thousand five hundred and fifty-nine and two thousand five hundred and sixty-seven which were amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) are hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many deputies as [shall be necessary] may be authorized to enable him to collect the said taxes or any of them which deputies shall be paid by the said treasurer [The respective authorities levying the tax shall not in any wise be liable for their compensation nor for their official conduct] The city treasurer as the collector of the several taxes and his deputies shall have and exercise all the powers vested by law in the several collectors of State and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five days' notice to seize by levy and distress any personal property on the premises assessed belonging to tenants purchasers or others without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal property of the delinquent that may be found within the county for the collection of said taxes and after notice of sale to sell the same for the payment of said taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

Section 2567 Rights of Treasury After Expiration of Term of Office Upon the expiration of the term of office of the city treasurer in case of any of the taxes which he was commanded to collect remain unpaid he shall [have the right

(a) To collect all the delinquent taxes for the space of one year after the expiration of his term of office and for this purpose all warrants issued to him during his term of office shall be effective to him as collector of taxes for the space of one year after the expiration of his term as city treasurer

(b) To certify real estate taxes remaining unpaid and delinquent to the city solicitor for filing in the court of common pleas as a city lien

(c) Or he may] turn over the unpaid or delinquent

taxes [on real estate] to his successor in office who shall have power to collect the same [by having the taxes filed in court as a lien by selling the property at public sale as provided by law authorizing the sale of real estate for the payment of delinquent taxes or by levying upon personal property on the premises assessed as provided in this act] in the same manner as in the case of the treasurer to whom the warrants were first issued

In case the city treasurer as collector of taxes pays the taxes levied against any property without having collected the same he shall be entitled to collect the same from the person or persons who are liable therefor by his warrant so long as it is in force or have real estate taxes filed in court as a lien for his use [and after the expiration of his term as city treasurer he shall continue in office as the collector of school taxes until the end of the then current school year]

Section 5 That section two thousand five hundred and sixty-eight of said act is hereby amended to read as follows

Section 2568 Tax Liens Schedule of Uncollected Taxes Liability for False Return Upon the settlement fo the duplicates of city county poor and school taxes which by law are made a lien on real estate the city treasurer as collector of said taxes shall make out schedules of said city county school or poor taxes uncollected upon his duplicated or those delivered to him by his predecessor with a brief description of the properties against which the same are assessed for the purpose of having the same entered for lien or sold according to law [Each schedule shall be accompanied by his affidavit thereto setitng forth that after proper efforts he could not find sufficient personal property out of which the said taxes or any part thereof could be made or collected as provided by law] The failure of the said collector to collect the said taxes from personal property when the same could have been collected shall not impair the lien thereof or affect any sale for the collection thereof In case any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby

The sixth section of the bill was read as follows:

Section 6 The following acts and parts of acts are hereby repealed

The act approved the tenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws thirty-four) entitled "An act to provide for the appointment of collectors of State and county taxes in cities of the third class and defining their powers"

The act approved the twenty-sixth day of March one thousand nine hundred and twenty-five (Pamphlet Laws sixty-nine) entitled "An act to proved for an additional system for the collection of State and county taxes in cities of the third class"

Section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

This act shall be in force in each city only as to city treasurers elected after the effective date of this act In the case of city Treasurers in office upon the effective date of this act the laws in force prior to the adoption of this act shall continue and for such purpose the acts repealed by this act is in complete operation in all cities of the third class

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I move to amend section 6, page 11, by inserting between lines 25 and 26 the following paragraph: "Nothing contained in this act shall be construed to repeal any local or special law providing for the collection of county taxes by county treasurers."

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in citles of the third class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. CLARK. Mr. President, I desire at this time to call up Senate Bill No. 1635 (House Bill No. 2896), on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1635 (House Bill No. 2896), as follows:

An Act making appropriations to the Department of Welfare for the maintenance of certain hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million six hundred thirty-six thousand two hundred four dollars and seventy-five cents ($8,636,204.75) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of the three dollars ($3) per diem rate as the part of the regular charge which the person treated is not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Abington Memorial Hospital	$39,100
Adrian Hospital Association Punxsutawney	$38,000
Allegheny General Hospital Pittsburgh	$181,200
Allegheny Valley Hospital Tarentum	$27,600
Allentown Hospital Allentown	$136,150
Altoona Hospital	$66,700
American Hospital for Diseases of Stomach Philadelphia	$10,000
Barnes Simon H Memorial Hospital	$3,565
Beaver Valley General Hospital New Brighton	$13,400

Belvedere Hospital Pittsburgh	$4,465
Berwick Hospital	$16,790
Blair J C Memorial Huntingdon	$38,985
Bloomsburg Hospital	$30,765
Braddock General Hospital	$54,395
Bradford Hospital	$35,900
Broad Street Hospital Philadelphia	$30,500
Brookville Hospital	$12,765
Brownsville General Hospital	$37,720
Butler County Memorial Hospital	$21,850
Canonsburg General Hospital	$18,400
Carbondale General Hospital	$23,000
Carlisle Hospital	$26,105
Centre County Hospital Bellefonte	$32,315
Chambersburg Hospital	$20,010
Charleroi-Monessen Hospital	$28,000
Chester County Hospital West Chester	$66,125
Chester Hospital City of Chester	$88,435
Chestnut Hill Hospital Philadelphia	$31,200
Children's Heart Hospital, Philadelphia	$5,000
Children's Hospital of Philadelphia	$77,650
Children's Hospital of Pittsburgh	$110,860
Christian H Buhl Hospital Sharon	$35,900
Citizens General Hospital New Kensington	$41,055
Clearfield Hospital	$45,080
Coatesville Hospital	$47,000
Columbia Hospital Columbia	$14,145
Community Hospital Kane	$7,475
Conemaugh Valley Memorial Hospital	$102,350
Corry Hospital Association	$15,000
Coudersport General Hospital	$4,140
Delaware County Hospital	$25,200
Eagleville Sanatorium for Consumptives	$124,200
Easton Hospital	$77,850
Elizabeth Steel Magee Pittsburgh	$92,000
Elk County General Hospital Ridgway	$20,000
Ellwood City Hospital, Ridgway	$12,420
Eye and Ear Hospital Pittsburgh	$25,300
Frankford Hospital, Philadelphia	$77,625
Franklin City Hospital	$10,120
Frederick Douglass Memorial Hospital and Training School Philadelphia	$18,400
Frick Henry Clay Memorial Hospital Mt Pleasant	$25,300
Geisinger George F Memorial Hospital Danville	$34,500
General Hospital of Monroe County East Stroudsburg	$14,720
Germantown Dispensary and Hospital	$149,100
Good Samaritan Hospital Lebanon	$51,150
Grandview Hospital Sellersville	$15,300
Grandview Hospital for Consumptives Oil City	$19,550
Greene County Memorial Hospital Waynesburg	$10,350
Greenville Hospital Greenville	$5,520
Grove City Hospital	$3,600
Hahnemann Hospital Philadelphia	$208,700
Hahnemann Hospital Scranton	$63,365
Hamot Hospital Association Erie	$111,115
Hanover General Hospital Hanover	$13,415
Harrisburg Hospital Harrisburg	$92,345
Harrisburg Polyclinic Hospital Harrisburg	$57,000
Homeopathic Hospital of Chester County West Chester	$35,880
Homeopathic Medical and Surgical Hospital Pittsburgh	$92,000
Homeopathic Medical and Surgical Hospital Reading	$72,795
Homestead Hospital	$49,795
Indiana Hospital	$43,470
Jameson Memorial Hospital Association (Shenango Valley) New Castle	$32,200
Jefferson Medical College Hospital	$239,430
Kane Summit Hospital Association	$10,000
Kensington Hospital for Women Philadelphia	$39,100
Kittanning General Hospital	$9,430
Lancaster County Tuberculosis Society (Rossmere)	$63,250
Lancaster General Hospital	$73,600
Lankenau Hospital, Philadelphia	$25,000
Latrobe Hospital	$25,300
Lee Homeopathic Hospital Johnstown	$11,500
Lewistown Hospital	$48,990
Lock Haven Hospital	$35,880
Lying-in-Charity Hospital Philadelphia	$90,275
Maple Avenue Hospital Association DuBois	$20,125
Maternity Hospital Philadelphia	$37,260
McKeesport Hospital	$85,550
Meadville City Hospital	$22,425
Memorial Hospital Association Monongahela City	$13,700
Memorial Hospital Roxborough Philadelphia	$49,565
Mercy Hospital Altoona	$46,800
Mercy Hospital and School for Nurses Philadelphia	$72,450
Mercy Hospital Wilkes-Barre	$96,025
Mid-Valley Hospital, Blakely	$29,900
Milliken A C Hospital Pottsville	$12,535
Miners' Hospital of Northern Cambria	$43,355
Montefiore Hospital Pittsburgh	$75,900
Montgomery Hospital Norristown	$47,505
Mount Siani Hospital Philadelphia	$121,785
Nason Hospital Association Roaring Springs	$29,000
National Stomach Hospital Philadelphia	$5,700
Northern Liberties Hospital	$22,770
Northeastern Hospital of Philadelphia	$35,420
Northwestern General Hospital Philadelphia	$19,550
Ohio Valley General Hospital McKees Rocks	$26,220
Oil City Hospital	$27,025
Packer Mary M Hospital Sunbury	$32,660
Packer Robert Hospital Sayre	$136,275
Passavant Hospital Pittsburgh	$54,700
Pennsylvania Epileptic Hospital and Colony Farm Oakburne	$46,000
Pennsylvania Hospital of Philadelphia—(Contributors)	$154,100
Philadelphia College of Osteopathy and Osteopathic Hospital of Philadelphia	$7,900
Philadelphia Orthopaedic Hospital and Infirmary	$70,265
Phoenixville Hospital	$22,425
Pittsburgh Hospital Association	$69,000
Pittston Hospital Association	$59,225
Pottstown Homeopathic Hospital	$12,535
Pottstown Hospital	$24,610
Pottsville Hospital	$69,000
Presbyterian Hospital Pittsburgh	$63,200
Providence Hospital of Beaver County	$10,500
Quakertown Hospital Association	$7,475
Reading Hospital	$107,985
Renovo Hospital	$7,245
Rochester General Hospital	$33,350
Rush Hospital for Consumptives Philadelphia	$73,600
Saint Christopher's Hospital for Children Philadelphia	$71,760
Saint Francis' Hospital Pittsburgh	$179,687.50
Saint John's General Hospital Pittsburgh	$50,025
Saint Joseph's Hospital Carbondale	$17,480
Saint Luke's Hospital South Bethlehem	$98,650
Saint Luke's and Children's Homeopathic Hospital Philadelphia	$94,800
Saint Vincent's Hospital Association Erie	$96,370
Sewickley Valley Hospital	$35,650
Somerset Community Hospital	$7,015
South Side Hospital Pittsburgh	$75,670
Spencer Hospital Meadville	$30,000
Stetson Hospital Philadelphia	$14,720
Suburban General Hospital Bellevue	$17,940
Taylor Hospital Association	$31,740
Taylor Hospital Ridley Park	$23,600
Temple University Hospital Philadelphia	$140,645
Titusville Hospital	$7,000
Tuberculosis League of Pittsburgh	$100,050
Uniontown Hospital	$63,250
University of Pennsylvania Hospital Philadelphia	$211,600
University of Pennsylvania—Graduate Hospital	$187,450
Warner Annie M Hospital Gettysburg	$11,615
Warren General Hospital	$21,850
Washington Hospital	$57,800
Wayne County Memorial Hospital Honesdale	$4,600
Waynesboro Hospital	$16,445
Western Pennsylvania Hospital Pittsburgh	$162,600
Westmoreland Hospital Association Greensburg	$55,350
West Side Hospital Association Scranton	$70,150

Wilkes-Barre General Hospital	$167,857.25
Williamsport Hospital	$87,860
Wills Eye Hospital Philadelphia	$86,900
Women's Homeopathic Hospital Philadelphia	$67,505
Women's Hospital of Philadelphia	$75,000
Women's Medical College Philadelphia	$78,660
Wyoming Valley Homeopathic Hospital Wilkes-Barre	$43,700
York Hospital	$97,325
Zem Zem Hospital for Crippled Children of Erie	$9,775

Section 2 In addition to the appropriation made by section one of this act the sum of two million eighty thousand five hundred fifty-one dollars and sixty-seven cents ($2,080,551.67) or so much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five to be by it paid to the hospitals designated in section one of this act for the purpose of the maintenance of such hospitals in the manner prescribed by law (except as hereinafter otherwise provided) at the rate of three dollars ($3.00) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals during the two fiscal years ending May thirty-first one thousand nine hundred thirty-five who were entitled to free service and for each day of part pay service such proportion of the three dollars ($3.00) per diem rate as the part of the regular charge which the person treated was not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Of the sum herein appropriated so much thereof shall be payable to each respective hospital as represents the obligated balance of the maintenance appropriation made to such hospital by the General Assembly at its regular session of one thousand nine hundred thirty-three for the two fiscal years ending May thirty-first one thousand nine hundred thirty-five and which remained unexpended on May thirty-first one thousand nine hundred thirty-five because of insufficient revenues in the General Fund The amount payable to any hospital from this appropriation shall be determined by the Department of Welfare with the approval of the Governor

Any law to the contrary notwithstanding amounts payable to hospitals out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund will permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Deparment of Welfare thereunder shall be paid to any hospital therein named if such hospital is a denominational or sectarian institution or corporation or association

Section 4 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CLARK. Mr. President, I ask unanimous consent to amend Section 1, page 3, line 26, by striking out the word "Ridgway" and insert in lieu thereof: "Ellwood City".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1648 (House Bill No. 1965), entitled:

An Act to amend sections twelve and thirteen of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shop students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" requiring certificates of registrations to show the photograph of the registered person or manager and providing for the suspension and revocation of registrations on account of Sunday work

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1649 (House Bill No. 1994), entitled:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1666 (House Bill No. 2926), entitled:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud corruption or dishonesty or profit to such councilmen and where the borough is in possession of and uses such fire apparatus

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1668 (House Bill No. 1593), entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1669 (House Bill No. 1632), as follows:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property at Ambridge Beaver County Pennsylvania formerly owned and ocupied by the Harmony Society and known as "Old Economy"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the use of the Pennslyvania Historical Commission for the purpose of rehabilitating repairing restoring and reconditioning the property situated in Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy" Such moneys shall be paid out on requisition of the Department of Public Instruction upon presentation of proper vouchers by the Pennsylvania Historical Commission

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1674 (House Bill No. 2708), entitled:

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1675 (House Bill No. 2897), entitled:

An Act making an apporpriation to the Department of Welfare for the maintenance of certain homes

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1679 (House Bill No. 2520), entitled:

An Act to amend the act approved the seventh day of May one thousand nine hundred and twenty-seven (P. L. 859) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal imposing additional taxes equal to Federal credits" by adding thereto section two authorizing the payment of estate taxes under protest without prejudicing rights where the federal government asserts additional or deficiency taxes which may increase the taxes due the Commonwealth

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1680 (House Bill No. 2521), entitled:

An Act to amend section thirteen of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred twenty-one) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" as amended authorizing the payment under protest of taxes assessed on the transfer of estates of resident decedents without prejudice to the right of appeal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1681 (House Bill No. 2523), entitled:

An Act to add sections one thousand one hundred eight and one thousand one hundred nine to and to amend section one thousand two hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth ro any agency thereof including escheated property and the proceeds of its sale the custody and disbursement

or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay licenses fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended authorizing any person association corporation or public officer against whom an account has been settled or against whom an account may be settled on the basis of a report filed to pay to the Department of Revenue under protest any sum of money on account thereof before or after such settlement without prejudice to the right of settlement review or appeal and authorizing the payment under protest of taxes assessed on the transfer of estates of nonresident decedents without prejudice to the right of appeal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1685 (House Bill No. 2207), entitled:

An Act to amend clause four of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1692 (House Bill No. 2691), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers of the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any permium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 202 212 213 214 221 222 401 444 508 511 522 701 709 1304 1311 1402 2107 2302 2311 2312 2320 2402 2404 2405 2406 2407 2408 2409 and 2604 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commisisons and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" be and the same are hereby amended or further amended as the case may be as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of State State Employes' Retirement Board

In the Department of Justice Board of Pardons Board of Commissioners on Uniform State Laws

In the Treasury Department Board of Finance and Revenue

In the Department of Internal Affairs Board of Property [State Aeronautics Commission]

In the Department of Public Instruction State Council of Education Pennsylvania State Board of Censors Public

School Employes' Retirement Board Pennsylvania Historical Commission Board of Trustees of Thaddeus Stevens Industrial School Board of Trustees of Pennsylvania State Oral School for the Deaf [Board of Trustees of Home for Training in Speech of Trustees of Home for Training in Speech of Age which shall hereafter be known as Board of Trustees of Home for Training in Speech of Deaf Children] Board of Trustees of Pennsylvania Soldiers' Orphan School Board of Trustees of West Chester State Teachers' College Board of Trustees of Millersville State Teachers' College Board of Trustees of Kutztown State Teachers' College Board of Trustees of East Stroudsburg State Teachers' College Board of Trustees of Mansfield State Teachers' College Board of Trustees of Bloomsburg State Teachers' College Board of Trustees of Shippensburg State Teachers' College Board of Trustees of Lock Haven State Teachers' College Board of Trustees of Indiana State Teachers' College Board of Trustees of California State Teachers' College Board of Trustees of Slippery Rock State Teachers' College Board of Trustees of Edinboro State Teachers' College Board of Trustees of Clarion State Teachers' College Board of Trustees of Cheyney Training School for Teachers State Board of Medical Education and Licensure State Board of Pharmacy State Dental Council and Examining Board State Board of Optometrical Examiners State Board of Osteopathic Examiners Osteopathic Surgeons' Examining Board State Board of Examiners for the Registration of Nurses State Board of Undertakers State Board of Veterinary Medical Examiners State Board for the Examination of Public Accountants State Board of Examiners of Architects Anthracite Mine Inspectors' Examining Board Mine Inspectors' Examining Board for Bituminous Coal Mines of Pennsylvania State Registration Board for Professional Engineers

In the Department of Military Affairs Armory Board of the State of Pennsylvania Board of Trustees of Pennsylvania Soldiers' and Sailors' Home State Athletic Commission

In the Department of Banking Board to License Private Bankers Pennsylvania Securities Commission

In the Department of Agriculture State Farm Products Show Commission

In the Department of Forests and Waters Water and Power Resources Board Geographic Board Lake Erie and Ohio River Canal Board Pennsylvania State Park and Harbor Commission of Erie Washington Crossing Park Commission Valley Forge Park Commission Fort Washington Park Commission

In the Department of Mines Anthracite Mine Inspectors Bituminous Mine Inspectors

In the Department of Highways State Bridge Commission

In the Department of Health Sanitary Water Board Anatomical Board

In the Department of Labor and Industry Workmen's Compensation Board Workmen's Compensation Referees State Workmen's Insurance Board

In the Department of Welfare State Council for the Blind Pennsylvania Alcohol Permit Board Board of Trustees of Eastern State Penitentiary Board of Trustees of Western State Penitentiary Board of Trustees of Pennsylvania Industrial Reformatory hereafter to be known as Board of Trustees of Pennsylvania Industrial School Board of Trustees of State Industrial Home for Women Board of Trustees of Pennsylvania Training School Board of Trustees of Allentown State Hospital Board of Trustees of Danville State Hospital Board of Trustees of Farview State Hospital Board of Trustees of Harrisburg State Hospital Board of Trustees of Norristown State Hospital Board of Trustees of Warren State Hospital Board of Trustees of Wernersville State Hospital Board of Trustees of Torrance State Hospital Board of Trustees of Ashland State Hospital Board of Trustees of Blossburg State Hospital Board of Trustees of Coaldale State Hospital Board of Trustees of Connellsville State Hospital Board of Trustees of Hazleton State Hospital Board of Trustees of Locust Mountain State Hospital Board of Trustees of Nanticoke State Hospital Board of Trustees of Philipsburg State Hospital Board of Trustees of Scranton State Hospital Board of Trustees of Shamokin State Hospital Board of Trustees of Laurelton State Village Board of Trustees of Pennhurst State School Board of Trustees of Polk State School Board of Trustees of Cumberland Valley State Institution for Mental Defectives Board of Trustees of Selinsgrove State Colony for Epileptics

In the Department of Property and Supplies Board of Commissioners of Public Grounds and Buildings State Art Commission

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 212 Bureaus and Divisions The heads of the several administrative departments except the Auditor General [and] State Treasurer and the Secretary of Internal Affairs and the several independent administrative boards and commissions shall subject to the approval of the Executive Board establish such bureaus or divisions in their respective departments board or commissions as may be required for the proper conduct of the work of such departments boards or commissions Provided That there shall always be in the Department of Internal Affairs a Bureau of Industrial Statistics

Section 213 Deputies The head of any administrative department except the Auditor General [and] State Treasurer and the Secretray of the Department of Internal Affairs shall have the power with the approval of the Governor to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve who shall in the absence of the head of such department have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department except the power to appoint deputies bureau or division chiefs or other assistants or employes and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department Provided however That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform

Whenever there shall be a vacancy in the office of the head of any department such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled

With the approval of the Governor in writing the head of any department may authorize a named deputy to serve in his stead on any departmental administrative board or commission except the Board of Pardons of which such department head is a member ex officio

Section 214 Employment and Compensation of Directors Bureau Chiefs and Other Employes The heads of the several administrative departments except the Auditor General administrative departments except the Auditor General [and] State Treasurer and the Secretary of the Department of Internal Affairs and the independent administrative boards and commissions shall appoint and fix the compensation of such directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants and employes as may be required for the proper conduct of the work of their respective departments boards or commissions Except as otherwise provided in this act the heads of the respective administrative departments shall appoint and fix the compensation of such clerks stenographers and other assistants as may be required for the proper conduct of the work of any departmental administrative bodies boards commissions or officers and of any advisory boards or commissions established in their respective departments

The number and cmpensation of all employes appointed under this section shall be subject to approval by the Governor and after the Executive Board shall have fixed the standard compensation for any kind grade or class of service or employment the compensation of all persons in that kind grade or class appointed hereunder shall be fixed in accordance with such standard

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in any one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commisison be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of department or of independent administrative boards or commisisons and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commisisons are respectively connected This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
[Board of Trustees of Home for Training in Speech of Deaf Children]
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board fo Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Borad of Trustees of Polk State School
Board of Trustees of Pennhurst State School
Board of Trustees of Cumberland Valley State Institution for Mental Defectives
Board of Trustees of Selinsgrove State Colony for Epileptics

Section 444 State Council for the Blind The State Council for the Blind shall consist of seven members of whom three shall be the Secretary of Welfare the Superintendent of Public Instruction and the Secretary of Labor and Industry Of the other four members one at least shall be a blind person

The terms of members shall be four years from the dates of their respective appointments

No paid employe of any school institution or other agency carrying on work for the blind shall be eligible for appointment

The council for the blind shall annually elect from its members a chairman The Secretary of Welfare shall be the secretary and executive officer of the council

Four members of the council shall constitute a quorum

At least four regular meetings of the council shall be held each year Special meetings may be called jointly by the chairman and the secretary and shall be called by the chairman on the written request of any three of the appointed members of the council

There is hereby created as an adjunct to the State Council for the Blind a committee to be known as the "Advisory Medical Committee to the State Council for the Blind" The committee shall consist of seven ophthalmologists appointed by the Secretary of Welfare They shall be called into committee by the Director of the Council for the Blind not oftener than four times during each year They shall serve without compensation but shall receive their necessity traveling and other expenses actually incurred in the performance of their duties The Advisory Medical Committee shall have the powers and its duties shall be to advise the Director of the Council for the Blind on such matters as he may bring before it and to guide the Council for the Blind in formulating its medical policy and program for the prevention of blindness and for the improvement of conditions of blind persons in the Commonwealth

Section 503 Erection Repairs or alterations of and Additions to Buildings (a) No administrative department except the Department of Property and Supplies and no administrative board or commission shall except as in this act otherwise specifically provided or construct or contract for the erection or construction of any new building or make or contract for making any alterations or additions to an existing building involving an expenditure of more than [ten thousand dollars ($10,000] one thousand dollars ($1,000) and in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings or make alterations or additions such erection or construction shall be under the [general] complete super-

vision and shall be the responsibility of the Department of Property and Supplies

[(b) All repairs to or alterations of existing buildings of the Commonwealth involving expenditures of more than one thousand dollars ($1,000) shall be subject to inspection by and the general supervision of the Department of Property and Supplies which shall be notified thereof at least ten days prior to the execution of the contract or if the work is not to be done under contract then at least ten days prior to the commencement of the work and all plans and specifications for repairs to or alterations of buildings under the control of departmental administrative boards and commissions shall be subject to approval by the departments with which such boards or commissions are respectively connected]

(b) The Department of Property and Supplies shall make at least once every two fiscal years a survey of all buildings equipment land and improvements connected with and comprising each State institution After making any survey the Department of Property and Supplies shall prepare a report setting forth in detail the results of the survey including the needs of such institution with respect to the maintenance of and repairs improvements alterations and additions to its buildings land and equipment The Department of Property and Supplies shall file a copy of such report with the Governor and the department or departmental administrative board having supervision or control of the institution Such reports shall be used so far as practical as a guide in formulating the biennial budgetary requests for appropriations for the maintenance of and repairs improvements alterations and additions to the buildings lands and equipment of State institutions

(c) All plans and specifications for new buildings and for alterations or additions to existing buildings shall be subject to the approval of the Department of Property and Supplies and in addition thereto shall also be subject to the approval of the department board or commission using or intending to use the building being erected or constructed or to which an alteration or addition is being made [and in] with respect to the type and general character of the proposed building the floor layouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared In the case of building used by or for the use of departmental administrative boards or commissions the plans and specifications shall also be approved with respect to the above-mentioned matters by the department with which the board or commission is connected

(d) Buildings may be erected or constructed or alterations or additions made wholly or partially by the labor of employes or inmates or patients of State institutions if in the judgment of the agency responsible for the management of such institutions and of the Department of Property and Supplies the work can be properly and safely done by such employes inmates or patients In such cases the Department of Property and Supplies [or such agency of the State Government] or outside supervising engineer or engineering concern as it may appear shall have full and direct [supervision] responsibility for the management of the work and [in all cases the Department of Property and Supplies shall have the right to inspect and generally supervise the work] the department board or commission using or intending to use the building shall have complete charge of such employes inmates or patients

Section 511 Sale and Transfer of Surplus Products All department boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contracts for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his sub-contractors for the work performed by laborers and mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages. The contractor shall submit to the Commonwealth certain detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not or will not receive require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violations of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 701 The Governor The Governor shall have the power and it shall be his duty

(a) To take care that the laws of the Commonwealth shall be faithfully executed

(b) To act as Commander-in-chief of the Army and Navy of the Commonwealth and of the Militia except when they shall be called into service by the United States Government

(c) To cause to be published through the Department of Property and Supplies from time to time for the information of the public bulletins of the work of the State Government

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping accounting and reporting for the several administrative departments boards and commissions except for the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs but before prescribing and requiring such installation the Governor shall consult with the Department of the Auditor General

(e) To prescribe forms for accounts and financial records reports and statements for the several administrative departments boards and commissions except the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs but before prescribing such forms the Governor shall consult with the Department of the Auditor General

(f) To approve or disapprove all investments by departments boards or commissions of funds administered by such departments boards or commissions

(g) To submit to the General Assembly a State budget

(h) After each biennial appropriation to the Department of Property and Supplies (1) for the purchase of stationery paper printing binding ruling lithographing color printing engraving paper envelopes and other printing and binding supplies (2) for fuel supplies furniture furnishings repairs alterations and improvements (3) for automobiles and (4) for rentals of branch offices after making proper deductions for the needs of the legislative and judicial departments to allocate and from time to time to reallocate to the several administrative departments boards and commissions such portions of such appropriations as will fairly represent the needs of the departments boards and commissioners for the biennium taking into consideration the right of any such department board or commission to pay its necessary expenses or purchase furniture materials or supplies out of fees of other moneys received by or moneys specifically appropriated to it

Every administration department board or commission shall be limited in its right to make requisition upon the Department of Property and Supplies to the amount allocated to it unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount

(i) To do all other acts make all appointments fill all vacancies all the powers vested in him and perform all the duties imposed upon him as provided and required by the Constitution and laws of this Commonwealth

Section 709 Executive Board The Executive Board shall have the power

(a) To standardize the qualifications for employment and all titles salaries and wages of persons employed by the administrative departments boards and commissions except the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs In establishing such standards the board may

(1) Take into consideration the location of the work and the conditions under which the service is rendered

(2) Establish different standards for different kinds grades and classes of similar work or service

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments other than the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs and by the independent administrative boards and commissions and to investigate duplication of work of the several administrative departments boards and commissions and the efficiency of the organization and administration thereof and the better coordination of such departments boards and commissions

(c) To approve or disapprove as provided by this act the payment of extra compensation to employes of administrative departments boards or commissions who are employed at fixed compensation

(d) To determine from time to time the hours when the administrative offices of the State Government shall open and close

(e) To approve or disapprove extensions of leaves of absence with pay for employes of administrative departments or of independent administrative boards or commissions

(f) To make rules and regulations defining the expenses for which officers and employes of the executive shall be given to approve or disapprove recommendabranch of the State Government may be reimbursed

(g) To determine by what members of indepenent administrative boards and commissions fidelity bonds shall be given to approve or disapprove recommendations of department heads or of independent administrative boards or commissions for the bonding of officers or employes of their departments or members or officers or employes of departmental administrative boards or commissions or officers or employes of independent administrative boards or commissions to fix the amounts of the bonds of all such members officers or employes required to give bond and to require any bond or bonds to be executed by a surety or sureties even though the Commonwealth may have established its own indemnity fund as elsewhere in this act provided

(h) To approve or disapprove the establishment of branch offices outside of the Capitol city by or for administrative departments boards or commissions

(i) From time to time to determine within what limits the Department of Property and Supplies shall procure liability insurance covering claims for damages against the Commonwealth and State officers and employes arising out of the operation of State automobiles by such officers and employes

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies acting either on its own behalf or as purchasing agency for any other department except the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs or for any board or commission and to make rulels and regulations for the use of State automobiles by State officers and employes except the Department of the Auditor General [and] the Treasury Department and the Department of Internal Affairs

Section 1304 Professional Education and Licensure The Department of Public Instruction shall have the power and its duty shall be

(a) To determine value standardize and regulate the preliminary education both secondary and collegiate of those to be hereafter admitted to the practice of medicine dentistry and pharmacy in this Commonwealth

(b) To prepare and distribute circulars of information

(c) To prepare uniform blank forms

(d) To hold examinations at suitable times and places to be designated by the Superintendent of Public Instruction for the determination of the fitness of applicants unable to present satisfactory certificates and to issue certificates to those found proficient

(e) To establish reciprocity with other States as regards preliminary education and professional licenses

(f) To determine and publish a standard high school course to compile cause to be published from time to time a list of elementary and secondary schools in this state which conform to the official standards promulgated by the department and take such steps as may be appropriate to raise the standard of elementary and secondary education Provided That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the practice of medicine dentistry or pharmacy respectively

(g) To keep the records of all the professional examining boards established in the department

(h) To issue all certificates and other official documents of the various professional examining boards in the department Provided however That the officers and members or any of them of any such examining board may also sign such certificates and other documents if such board shall have taken action authorizing such signatures

(i) To assist any professional examining board within the department if as and when requested by such board

(j) To cooperate with the several professions whose examining bodies are within the department in the de-

termination and establishment of standards of professional education

(k) Whenever under any act of Assembly enacted at the session of the General Assembly at which this act was passed or at any subsequent session of the General Assembly the right to practice any profession or work at any trade or occupation shall be conditioned upon examination licensure or registration to hold such examinations make such investigations require such information and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth and in proper cases to issue licenses and certificates of registration In performing its duties under this clause the department shall appoint an advisory committee of not more than five members of each profession trade or occupation applicants to practice or work at which are examined and licensed hereunder Each such committee shall assist the department in holding examinations and passing upon information submitted In cases in which there is a State association of the profession trade or occupation for which an advisory committee is to be selected hereunder such State association may submit to the department from time to time a list of ten names of persons qualified for appointment on such committee and the department's selection of a committee or of persons to fill vacancies therefor shall be made from the names submitted Members of every advisory committee appointed by the department under the authority hereby conferred shall serve at the pleasure of the department and shall be compensated at the rate of fifteen dollars per diem for each day of service rendered to the department and shall receive the expenses actually incurred by them while engaged in assisting the department as herein provided the payment of such expenses however to be subject to the rules and regulations of the Executive Board

(l) To enforce the provisions of the several acts relating to the occupations and professions administered by the department and the professional examining boards within the department

Section 1311 Boards of Trustees of State Institutions Within the Department The boards of trustees of the several State Normal Schools or Teachers Colleges the Board of Trustees of the Cheyney Training School for Teachers the Board of Trustees of Pennsylvania State Oral School for the Deaf [the Board of Trustees of Home for Training in Speech of Deaf Children] the Board of Trustees of Pennsylvania Soldiers' Orphans School and the Board of Trustees of Thaddeus Stevens Industrial School shall have general direction and control of the property and management of their respective institutions Each of the said boards of trustees shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a president principal or superintendent of the institution who shall subject to the authority of the board administer the institution and if deemed advisable a business manager

(b) On nomination by the president principal or superintendent from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Superintendent of Public Instruction to make such by-laws rules and regulations for the management of the institution as it may deem advisable

Section 1402 Pennsylvania National Guard The Department of Military Affairs shall have the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid hereunder shall be subject to audit by the Department of the Auditor General.

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall have however as far as practical be similar in style to those of the United States Army

Section 2107 Tuberculosis Sanatoria The [department] Department of Health shall have the power and its duty shall be

(a) To maintain sanatoria or colonies for the reception and treatment of indigent persons affected with tuberculosis.

(b) To approve or disapprove plans and specifications for county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis as may now or hereafter be provided by law

(c) To supervise county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis

Section 2302 Definitions As used in this article (a) "State Institutions" shall mean and include all penal reformatory or correctional institutions hospitals for the insane or any other institutions for feeble-minded or epileptic persons or for juvenile delinquents and dependents and charitable institutions within this Commonwealth maintained in whole by the Commonwealth and whose boards of trustees are departmental administrative boards within the Department of Welfare

(b) "Children's Institutions" shall mean any incorporated or unincorporated organization society corporation or agency public or private which may receive or care for children or place them in foster family homes either at board wages or free or any individual who for hire gain or reward receives for care a child unless he is related to such child by blood or marriage within the second degree or any individual not in the regular employ of the court or of an organization society association or agency duly certified by the department who in any manner becomes a party to the placing of children in foster homes unless he is related to such children by blood or marriage within the second degree or is the duly appointed guardian thereof.

(c) "Maternity Home and Hospital" shall mean any house home or place in which within a period of six months any person receives for care or treatment during

pregnancy or during or immediately after parturition more than one woman except women related to such person by blood or marriage within the second degree

(d) "Supervised Institution" shall mean any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth either directly or indirectly and to which the Governor does not appoint any member of the board of inspectors managers trustees or directors all houses or places within the Commonwealth in which any person of unsound mind is detained whenever the occupant or owner of the house or person having charge of such person of unsound mind receives any compensation for custody control or attendance other than as an attendant or nurse and also all institutions houses or places in which more than one such person is detained with or without compensation paid for custody or attendance all children's institutions and maternity homes and hospitals within the Commonwealth all homes or hospitals for crippled children within the Commonwealth except the State Hospital for Crippled Children all private homes for the care of the aged all prisons jails hospitals almshouses or poorhouses maintained by any county city borough township or poor district of this Commonwealth and all institutions associations and societies within this commonwealth into whose care the custody of delinquent dependent or neglected children may be committed and all houses and places maintained by such institutions associations or societies in which such children may be kept or detained.

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs districts attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reasons therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such magistrates and other officers to make such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rates per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor. All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Depatrment of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus food products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the capitol buildings either in

or outside the City of Harrisburg the payment of premiums for workmen's compensation insurance covering officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full time use including premiums and liability insurance covering such motor vehicles for officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use and purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or services made through the Purchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures of moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner. Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the Department may approve and which they are able to provide from other sources but all such work shall be performed the products hereof sold and the proceeds thereof disposed of under the rules and regulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2320 State Council for the Blind The State Council for the Blind shall have the power and its duties shall be

(a) To formulate a general policy and program for the prevention of blindness and for the improvement of the condition of the blind in this Commonwealth Such policy and program shall be modified from time to time as may be found necessary or advisable in the light of improvements in method and practice

(b) To make recommendations in accordance with such policy and practice to the several executive and administrative departments boards and commissions of this Commonwealth and to any public or private agencies therein which may be in any way concerned with work with or for the blind

(c) To cooperate with State and local agencies both public and private in taking steps to prevent the loss of sight in alleviating the condition of blind persons and persons of impaired vision in extending and improving the education advisement training placement and conservation of the blind and in promoting their personal economic social and civic well-being

(d) To act as a means for communication with other State agencies public or private and with national agencies and to cooperate in efforts to produce an enactment of legislation regarding the prevention of blindness the improvement of the blind or the regulation of private agencies for the care of the blind

(e) To collect systematize and transmit to the Department of Property and Supplies for publication and distribution to other agencies information in regard to blind persons and persons of impaired vision in this Commonwealth including their present physical and mental condition the causes of blindness and the possibilities of improvement of vision their financial status and earning capacity their capacity for education and vocational training and any other relevant information looking toward the improvement of their condition

(f) To refer cases of blind persons or problems in relation to the blind or prevention of blindness to such agencies public or private as may be likely to deal most successfully with them

(g) To encourage the cooperation of all agencies public and private doing work for the blind in this Commonwealth and of the agencies whose work is related to the prevention of blindness

(h) To supervise the expenditures of State appropriations made to such agencies except in cases in which such supervision is by law within the powers or duties of some other administrative department board or commission

(i) To aid blind persons to become self-supporting by furnishing them for their use the equipment necessary for the operation of suitable types of vending stands by the installation of equipment so furnished and by the giving of such advice and supervision as may be needed from time to time for their continued successful operation of such vending stands

Section 2402 Grounds Building and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal and the Executive Mansion and to make or supervise the making of all repairs alteratoins and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

(b) To employ such captains sergeants of police and police officers as may be necessary to preserve good order in the Capitol grounds and buildings and fix their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the Capitol Police

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings and the furnishings hterein for operating the mechanical plants in the Capitol buildings and the Executive Mansion and for service at the Executive Mansion

(d) To construct in writing for and rent proper and adequate offices rooms or other accommodations outside of the Capitol buildings for any department board or commission which cannot be properly and adequately accommodated with offices rooms and accommodations in the Capitol buildings and in all cases in which the head of a department for such department or for a departmental administrative board or commission within such department or an independent administrative board or commission with the approval of the Executive Board has established or is about to establish a branch office in any city or place outside of the capital city with the approval of the Board of Commissioners of Public Grounds and Buildings to contract in writing for and rent such offices rooms and other accommodations as shall be proper and adequate for such department board or commission The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles either in or outside of the capital city at such rentals or rates as it shall deem reasonable The department may also if the General Assembly shall have appropriated funds therefor lease any lands which may be necessary for use by any department board or commission in the exercise of its powers or the performance of its duties It shall be unlawful for any other department board commission or agency of the State Government to enter into any leases but the Department of Property and Supplies shall act only as agent in executing leases for Department Boards and Commissions the expenses of which are paid wholly or mainly out of special funds and in such cases the rentals shall be paid out of such special funds

(e) To employ and with the approval of the Governor fix the compensation of such capable superintendents of construction engineers or inspectors as may be necessary properly to supervise building repairing altering adding to or improving State buildings in cases in which the work is not being done directly by or under contract with the Department of Property and Supplies Such superintendents engineers or inspectors shall see that the plans and specifications prepared and adopted for such new buildings or for repairs alterations additions or improvements to existing buildings shall be faithfully carried out and shall subject to appeal to and final decision by the head of the department define determine and decide all questions of the proper interpretation of the plans and specifications which may be raised during the progress of the work

(f) Out of funds appropriated to the department therefor to purchase or condemn land with or without buildings thereon for the purpose of adding the same to any of the public lands or parks or for use as sites for or in connection with arsenals armories military reservations intermediate landing fields hospitals normal schools teachers' colleges penal or correctional institutions or other institutions of the Commonwealth whenever in the judgment of the Governor the purchase or condemnation of such land is necessary or whenever such purchase or condemnation shall have been authorized by law and an appropriation shall have been made therefor The condemnation of land hereunder shall be in the manner provided by the act approved the fifteenth day of July one thousand nine hundred and nineteen (P. L. 976) entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws and an appropriation made therefor" its amendments and supplements Except as otherwise in this act expressly provided no other department board or commission of the State Government shall hereafter exercise the right of eminent domain for any of the purposes aforesaid any other act of Assembly heretofore enacted to the contary notwithstanding

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected Provided That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board

(h) Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth and be reported to the department to make an examination thereof and in its discretion subject only to the approval of the Governor to rebuild restore or replace the property damaged or destroyed and for that purpose to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purpose of the property damaged or destroyed The cost of the materials furnished and work and labor performed under such contracts shall be certified by the department to the Auditor General who shall issue his warrant against the Insurance Fund of this Commonwealth which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the department shall have taken such action as will involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the State Treasurer who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into

(i) To rent to individuals firms or corporations such real estate owned by the Commonwealth as is not being used in connection with the work of any department board or commission thereof upon such terms and conditions as the Secretary of Property and Supplies may prescribe with the approval of the Governor in writing Provided however That no lease executed under the authority hereby conferred shall be for a longer term than one year and so on from year to year

(j) From time to time to rent to persons associations or corporations upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings the auditorium in the South Office Building Number Two when it shall not be required for the Commonwealth's use

(k) To establish standards for the operation of all mechanical and electrical equipment used in connection with the operation of any State institution or other State building

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasurer to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the General Fund of the State Treasury and except officers em-

ployes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon os convenient to sell the same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Except in the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the city of Harrisburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commisison having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to make a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to adevrtise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments board and commissions of the State Government

(b) With the approval of the President pro tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or resident clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and materials incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of the persons entitled to make requisition therefore by causing the same to be packed in packages or boxes addressed

as required in the requisition and delivered personally at the office of the department or free at the post office express or freight office indicated in the requisition Provided That the department shall not without the consent of the Governor honor any requisition from any administrative department board or commission after the amount of any biennial appropriation for documents allocated to such department board or commission shall have been expended for such department board or commission

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents stationery furniture or supplies of any character

(g) From time to time to solicit by advertising proposals for the purchase of all waste paper documents and other materials that have been accumulated and are no longer needed and the department is hereby authorized to make sale thereof by contract or contracts to the highest bidder upon such terms and conditions as it shall determine but the department shall have the right to reject any and all proposals for the sale The proceeds of any such sale shall be paid into the General Fund in the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws and to transmit one copy thereof by mail to each department board and commission of the State Government to each prothonotary and to each law judge of the courts and to every county and public library of this Commonwealth and to each member of the General Assembly Such copies shall be furnished without charge The department shall also mail to any person who shall pay to it the sum of five dollars one copy of each such law enacted during any legislative session All moneys received hereunder shall be paid into the General Fund in the State Treasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth all publications of the Commonwealth or of any department board or commission or officer thereof including the State Reports which under existing or future laws it shall be necessary to have copyrighted and such other publications as the Secretary of Property and Supplies with the approval of the Governor shall deem it advisable to copyright

(j) To distribute to the public upon payment to the department of such sum per copy as shall cover the cost of publication any documents published by the department for the Commonwealth or any department board commission or officer thereof which shall cost more than five cents per copy to publish except documents published for the Governor and the General Assembly which shall be distributed without charge as heretofore To administer this subsection the department may publish for free distribution to applicants therefor a price-list showing the publications which the department is prepared to furnish to the public and the charges for each such document All moneys collected by the department hereunder shall be paid through the Department of Revenue into the General Fund in the State Treasury except that if the cost of publishing any document sold by the department hereunder shall have been paid out of any special fund in the State Treasury the proceeds of the sale thereof shall be paid into such special fund through the Department of Revenue

Section 2407 Automobiles The Department of Property and Supplies shall upon the effective date of this act take over and thereafter assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth or any administrative department board or commission thereof except the Department of Highways

After the effective date of this act all automobiles required for use by the administrative departments boards commissions and officers of the State Government shall be purchased by the Department of Property and Supplies but in purchasing automobiles required for the use of any department board commission having authority to purchase automobiles out of money appropriated to it the Department of Property and Supplies shall act as purchasing agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs necessarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the requirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all departments boards and commissions other than the Department of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respective departments or of the executive officers of the respective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repair-parts for and repairs to automobiles permanently assigned to departments boards and commissions shall be paid out of the appropriations to such departments boards and commissions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair-parts and repairs except that repairs may be made by the Department of Highways and if authorized as hereinbefore provided by other departments and by boards and commissions For the use of other automobiles departments boards and commissions shall be billed by the Department of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments boards or commissions to the Department of Property and Supplies and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Department of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage travelled the amount of oil and gasoline purchased the names of employes of the department board or commission operating each automobile the names of the employes of the department board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2408 Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings Whenever the General Assembly shall have appropriated money to the Department of Property and Supplies or to any other department or to any administrative board or commission for the erection of new buildings or sewage or filtration

plants other service systems or athletic fields or other structures or for alterations or additions or repairs to existing buildings or to such plants systems fields or structures to cost more than one thousand dollars ($1,000) the following procedure shall apply unless the work is to be done by State employes or by inmates or patients of a State institution or State institutions or unless the department board or commission to which the General Assembly has appropriated money for the foregoing purposes is by this act or by the act making the appropriation authorized to erect alter or enlarge buildings independently of the Department of Property and Supplies or under a different procedure

(a) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission such department board or commission shall notify the Department of Property and Supplies as soon as it is ready to have plans and specifications for the work prepared

(b) Promptly after such notice in such cases or promptly after any appropriation made to it becomes available the Department of Property and Supplies shall select an architect and if necessary an engineer or both to design the work and prepare the specifications therefor but in the case of building to be done for the use of any other department or any board or commission (unless the building is on the Capitol grounds) the selection of the architect and engineer if any shall be subject to approval by such department board or commission and in case of departmental administrative boards or commissions by the departments with which such boards or commissions are respectively connected Any architect or engineer so selected and approved shall submit promptly the name or names of his associate architect or engineers to the Department of Property and Supplies for its approval

(c) The Department of Property and Supplies shall enter into a contract with the architect or engineer which shall provide a date for the completion of the plans and specifications and that the plans and specifications must meet with the approval of the department board or commission for which the building is being erected altered or enlarged (unless the building is on the Capitol grounds) and in the case of departmental admnisitrative boards or commissions of the departments with which such boards or commissions are respectively connected to the extent of the type and general character of the building the floor lavouts radiation natural light artificial illumination ventilation medical equipment or other equipment of a nature peculiar to the building for which the plans and specifications are being prepared that the plans drawings and specifications must be approved by the Department of Property and Supplies that the exterior design of the building must be approved by the State Art Commission and that the plans and specifications must be approved by the Department of Labor and Industry and the Department of Health to the extent to which those departments respectively have jurisdiction to require the submission to them for approval of certain features of the building Such architect or engineer in preparing plans and specifications shall consult with the department board or commission for which the building is to be erected altered or enlarged but the Department of Property and Supplies shall insist upon the prompt completion of the plans and specifications within the time prescribed in the architect's or engineer's contracts unless it shall agree to an extension thereof

Every department board or commission whose approval of plans and specifications is required hereunder shall within twenty days after submission thereof by the architect or engineer approve or disapprove all sketches drawings specifications and other documents and shall inform the architect or engineer of decisions in such reasonable time as not to delay him in his work

(d) Upon the completion of the plans and specifications and their approval by all necessary State agencies the Department of Property and Supplies shall invite proposals by advertisements inserted at least three times in not less than six or more than twelve newspapers of large general circulation in different parts of the Commonwealth The first and last publications of any such advertisement shall be at least ten days apart and the department shall not advertise hereunder in more than three newspapers in the same county

(e) The department may invite proposals either for completely erecting altering or adding to any building or separately for parts of the work or both Whether it shall invite proposals for part of the work and if so for what parts shall rest within the sole discretion of the department

(f) All proposals shall be accompanied by certified or bank checks in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement and shall be publicly opened and tabulated at the time and place specified in the advertisement

(g) The department shall as soon as practicable award the contracts to the lowest responsible qualified bidder but it shall have the right to reject any or all bids to waive technical defects and to accept or reject any part of any bid if in the judgment of the department the best interests of the Commonwealth shall require it

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check as prescribed by the department at the time of advertising A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded must within ten days after such award substitute for said check a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work as shall have been prescribed by the department in its invitation for proposals and an additionall bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work as prescribed by the department in its invitation for proposals conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the prosecution of the work whether or not the material or labor enter into and become component parts of the building Such additional bond shall be held by the Department of Property and Supplies for the use of every party who whether as subcontractor or otherwise has furnished material or supplied or performed labor in the prosecution of the work as above provided and who has not been paid therefor and among other things shall provide specifically that any such party may bring a suit thereon in the name of the Commonwealth for his their or its own use prosecute the same to final judgment for such sum or sums as may be justly due and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit Each surety bond required hereunder shall have as surety a surety company authorized to transact business in this Commonwealth or two individual sureties approved by the Department of Justice

(i) No contract shall be valid or effective unless a certified copy thereof detail break-down sheet of the work and contract price of the work involved shall have been filed in the offices of the Auditor General the State Treasurer and the department board or commission for which the work is to be done promptly after the execution of the contract

(j) The enforcement of all contracts provided for by this section shall be under the contral and supervision of the Department of Property and Supplies In the event that the Department of Property and Supplies and the contractor cannot agree on any of the general conditions of the contract and on the specifications such diagreement shall be subject to decision by the Department of Justice and its decision shall be final

(k) The Department of Property and Supplies shall examine all bills on account of the contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in a workmanlike manner and in accordance with the contract approve the bills and issue its requisition therefor or forward its certificate to the proper department board or commission as the case may be

(l) The Department of Property and Supplies shall have the right to engage the services of any consulting or supervising engineer or engineers whom it may deem necessary for the proper designing of or inspection or super-

vision of buildings erected altered or enlarged by the department hereunder

(m) Changes in the plans and specifications or both may be made after their approval only with the consent of all of the departments boards and commissions whose approval of the original plans or specifications or both was necessary hereunder

(n) If the appropriation is to a department other than the Department of Property and Supplies or to a board or commission the Department of Property and Supplies shall award and enter into the contract as agent for the department board or commission to which the appropriation was made

Section 2409 Method of Awarding Contracts for Stationery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall on or before the first day of February in each year notify the Governor the several administrative departments the independent administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish lists of all equipment furniture and furnishings stationery supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for the fiscal year beginning the first day of June next following excepting only perishable foodstuffs [and fuel] for State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the terms of contract but the schedules shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewith the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion The advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertisement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidder on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like maner as heretofore provided

No proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contract or by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealth or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All contracts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with

all checks or bonds given for their faithful performance be filed with the department which shall keep a record of the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on account of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor.

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replacement] bill such department board or commission for the cost of the same Such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting

Section 2604 State Game Lands and Farms The Board of Game Commissioners shall have the power to acquire lands with or without mineral reservations by purchase lease gift [and] or condemnation to establish and maintain State Game Refuges Public Hunting Grounds and Game Farms for the protection hunting and propagation of game as may now or hereafter be authorized by law and to grant rights of way through State Game Lands and Game Farms to individuals or corporations who may apply therefor when it shall appear to the Board that the grant of a right of way will not so adversely affect the land as to interfere with its usual and orderly administration and when it shall appear that the interests of the Commonwealth or its citizens will be promoted by such grant Rights of way as used in this section is hereby construed to include rights of passage and haulage for any lawful purpose also rights of flowage or transmission for any lawful purpose

On the question,

Will the Senate agree to the section?

Mr. ROBERTS: Mr. President, I move to amend section 1, page 7 by striking out line 28; also page 30, line 24 by striking out after the word "such" and before the word "per" the word [rates] and inserting in lieu thereof the word: "rate"; also page 36, line 4 by striking out after the word "for" and before the word "with" the word:]communication[and inserting in lieu thereof the word: "communicating"; also page 37, line 11, by striking out after the word "Grounds" and before the word "and" the word: [building] and inserting in lieu thereof the word: "Buildings"; also page 38, line 10 by striking out after the word "To" and before the word "in" the word: [construct] and inserting in lieu thereof the word: "contract"; also page 51, line 25 by inserting between the word "board" and the word "commission" the word: "or"; also page 70 by inserting between lines 5 and 6 the following: "Section 2. That sections four hundred seven and four hundred forty of said act are hereby repealed."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of June one thousand nine hundred thirty-five

On the question,

Will the Senate agree to the section?

Mr. ROBERTS. Mr. President, I move to amend sec-

tion 2, page 70, line 6 by striking out after the word "Section" and before the word "This" the figure: [2] and inserting in lieu thereof the figure: "3"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred and seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers to the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms modifying the procedure for the sale of unservieable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment and to make periodical surveys of the building equipment land and improvements of State institutions further modifying and regulating the procedure to be followed for construction projects abolishing the Board of Trustees of Home for Training in Speech of Deaf Children amplifying the powers of the Department of Public Instruction relating to professional education and licensure eliminating the State Aeronautics Commission exempting the Department of Internal Affairs from certain provisions of the said act and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

On the question,

Will the Senate agree to the title?

Mr. ROBERTS. Mr. President, I move to amend page 3, line 16 of the title by inserting after the word "eliminating" and before the word "the" the following: "the Anatomical Board and"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1693 (House Bill No. 557), entitled:

An Act making appropriations to the Board of Trustees of the Philadelphia Museum

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1694 (House Bill No. 592), entitled:

An Act making appropriations to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1695 (House Bill No. 603), entitled:

An Act making appropriations to the Woman's Medical College of Pennsylvania located at East Falls Philadelphia

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1696 (House Bill No. 1121), entitled:

An Act making an appropriation to the Pennsylvania State College of Optometry of Philadelphia Pennsylvania for optometrical education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1697 (House Bill No. 1150), entitled:

An Act making appropriations to the National Farm School at Doylestown Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1698 (House Bill No. 1228), entitled:

An Act making an appropriation to the Department of Internal Affairs to refund moneys paid as the purchase price of land and patent fee where proceedings were abandoned

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1699 (House Bill No. 1864), entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the support of research studies and investigations covering certain agricultural problems and for the erection of necessary experimental green houses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1702 (House Bill No. 2743), entitled:

An Act making an appropriation to the Department of Forests and Waters to aid in the maintenance and development of the Trexler-Lehigh Game Preserve as a park

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1704 (House Bill No. 2970), entitled:

An Act to amend the act approved the twenty-second day of November one thousand nine hundred and thirty-three (one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Special Session Pamphlet Laws five) entitled "An act imposing a State floor tax on alcohol usable for beverage purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment to the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officers and departments and certain State officers and departments and certain individuals firms and corporations and imposing penalties" by providing for an extension of time for payment of in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1705 (House Bill No. 2581), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work and expenses during the biennium ending the thirty-first day of May one thousand nine hundred and thirty-five defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Department

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1708 (House Bill No. 714), entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the fur-bearing animal class to the vermin class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1720 (House Bill No. 2904), entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation.

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cosmetic Tax Act"

The second section of the bill was read as follows:

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Cosmetic" Any oil lotion liquid powder salve cream crystal tablet paste compound or preparation used or useful for beautifying or cleansing preserving or improving the appearance of the skin or hair or teeth except common household and toilet soaps other than medicated toilet soaps and any perfume and any shaving soap shaving cream and any other preparation of a similar character used or useful for shaving purposes

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cosmetics to retail dealers or for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cosmetics for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale

"Department" The Department of Revenue of this Commonwealth

"Package" The individual box can bottle tube or other container in or from which retail sales of cosmetics are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 2, page 2, line 26 by striking out at the end of the line after the word "resale" the following: "whenver the package of cosmetics"; also page 2 by striking out lines 27 and 28.

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cosmetics at wholesale or at retail within this Commonwealth unless a cosmetic permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cosmetics at wholesale or retail within this Commonwealth shall file an application for a cosmetic permit or permits with the department Every application for a cosmetic permit shall be made upon a form prescribing prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of two dollars ($2) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cosmetic permit for each place of business within the Commonwealth set forth in his application Cosmetic permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of two dollars ($2)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1)

(d) The department may suspend or after hearing revoke a cosmetic permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cosmetic permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cosmetic permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 3, page 4, line 24 by striking out at the end of the line after the word "permit" the following: "unless the applicant shall be"; also page 4, by striking out lines 25 and 26; also page 5, line 14 by striking out at the end of the line after "($5)" the following: "except that no"; also page 5 by striking out lines 15 and 16.

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the bill were read as follows and agreed to:

Section 4 A State excise tax is hereby imposed and assessed upon all sales of cosmetics by dealers at the rate of one cent for each fifteen cents or fractional part thereof of the retail selling price thereof except such sales of cosmetics as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cosmetics shall be used in cumputing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cosmetics to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cosmetics will not be required to purchase and affix stamps on such packages of cosmetics

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cosmetics stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cosmetics are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such package of cosmetics before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such cosmetics to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon receipt of any cosmetics at his place of business so affix such stamps to each package of cosmetics unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such packages of cosmetics the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cosmetics

Whenever any cosmetics are found in the place of business of such retail dealer without the stamps affixed and cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cosmetics are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cosmetics of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be torn and mutilated when the package is opened Upon affixing stamps to a package of cosmetics the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cosmetics and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaging in the sale of cosmetics at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cosmetics received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books invoices and other records the stock of cosmetics in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cosmetics taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 Manufacturers of and dealers in cosmetics located either within or outside of this Commonwealth and wholesale dealers in cosmetics located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cosmetics to be sold within this Commonwealth in which case the dealer or other person within this Commonwealth receiving such cosmetics shall not be required to purchase and affix stamps thereon

Section 9 In case any cosmetics upon which license stamps have been placed have been sold or shipped to a regular dealer in such articles in another state the seller in this Commonwealth shall be entitled to a refund of the actual amount of tax paid upon condition that the seller in this Commonwealth shall make affidavit that the cosmetics are so sold and shipped and that he shall furnish from the purchaser a written acknowledgment that he has received such cosmetics and the amount of stamps thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps of sufficient value to cover the refund

Section 10 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce the rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Diverse methods and conditions of sale of cosmetics in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 11 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cosmetics

Section 12 (a) Any person who shall sell cosmetics without being the holder of a cosmetic permit or permits as required by this act or without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100) nor more

than one thousand dollars ($1,000) or to suffer imprisonment for a term not exceeding six months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and to suffer imprisonment for a term not less than six months nor more than three years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cosmetics in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cosmetics taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100) no more than five hundred dollars ($500) or to suffer imprisonment of not more than six months or both in the discretion of the court

(c) Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two years nor more than five years

Section 13 All taxes and permit fees received collected or accruing under the provisions of this act shall be paid into the State Treasury by and through the department and shall be used only for assistance to the aged and blind in accordance with existing laws and for such purposes are hereby appropriated to the Department of Welfare

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after the final enactment of this act and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improveing the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cosmetics at retail or wholesale providing penalties and making an appropriation

REPORTS FROM COMMITTEES

Mr. EALY, Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Education reported as amended, Senate Bill No. 1614 (House Bill No. 2106), entitled:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by the Department of Public Instruction and requiring a copy of the budget to be filed with the Department of Public Instruction

Mr. HARRIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on Elections reported as committed, Senate Bill No. 1168 (House Bill No. 1188), entitled:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (P. L. 419) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by certain political bodies filing nomination papers

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Finance reported as committed, Senate Bill No. 1723 (House Bill No. 3025), entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act No. 90) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax.

Also from the Committee on Finance, reported as amended, Senate Bill No. 1724 (House Bill No. 3026), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and/or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and/or accruing during such two fiscal years defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

RECONSIDERATION OF SENATE BILL NO. 1470

Mr. RANKIN. Mr. President, I move to reconsider the vote by which Senate Bill No. 1470, entitled:

An Act to amend section seven as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties, providing for and regulating the nomination of candidates of such polit-

ical parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party offices, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make and to alter, amend and revoke rules and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation, requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed providing for the return thereof in certain cases, and in other cases for the retention by or allocation among the counties interested, and imposing duties upon the State Treasurer and the respective county treasurers.

was defeated on final passage.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted "no."

Mr. RICE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. RICE. Mr. President, I voted "no."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. HARRIS. Mr. President, when this bill was voted on this afternoon, several Senators voted "no" under a misapprehension. I desire at this time to take about two minutes to explain the provisions of this bill. This bill is designed for the purpose of preventing irresponsible candidates from filing nomination papers. I can give you an example, in one district where two members of the legislature were to be nominated, there were seventy-eight candidates filed, and among them was one of a notorious character in the district, the town drunk and in another case the rag-man of the district filed too. This was not only a joke, it cluttered the ballot, it cost the county in which it occurred many thousands of dollars to print the ballot. This occurs in many counties of the State, men who have no chance at all to be elected file nominating papers, sometimes men of the same name file against a legitimate candidate for the purpose of receiving money to be bought off. This bill provides, briefly, that when a candidate files for a minor office, when no compensation is paid, he pays five dollars to file his nominating papers. In the event that he does not receive ten per cent of the highest vote cast, he forfeits the five dollars. If he receives more than ten per cent the money is returned to him. If a legitimate candidate for public office at the primaries should receive more than ten per cent of the vote, or a legitimate candidate, this will prevent the filing of papers by many people merely as a joke. In the City of Pittsburgh, a man may become a candidate with one hundred signatures, and in the last election I believe there were seven candidates. This will not take any money nor cost anybody anything who is a legitimate candidate, because when he receives the required number of votes the money is returned. I think this will save thousands in printing, if it will prevent legitimate candidates from beng blackmailed or victimized for money to ask the other man to retire from the race. I think at the last Session this bill passed without a single solitary vote against it, but it was held up by the House at the very last minute. If we pass this bill now, we will be able to have the three necessary days in the Senate, and we are given assurance here that there will be harmony on it in the House. I sincerely hope those who vote today under a misapprehension will now vote "aye" on this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Aron,	Gelder,	Owlett,	Sones,
Batchelor,	Graff,	Pierson,	Sordoni,
Baumer,	Harris,	Pytko,	Staudenmeier,
Bean,	Harvey,	Rankin,	Thompson,
Bennett,	Howell,	Reed,	(Centre)
Buckman,	Huffman,	(Dauphin)	Thompson,
Cavalcante,	Hunsicker,	Rice,	(Westmoreland)
Chapman,	Lanius,	Roberts,	Trainer,
Clark,	Mallery,	Rodgers,	Woodward,
Coyne,	McCreesh,	Rupp,	Homsher,
Ealy,	McGinnis,	Salus,	Pres. Pro. Tem.
Frey,	Miller,	Shapiro,	

NAYS—3

Kahle,	Law,	Reed, (Washington)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. HOWELL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL, from the Committee on Finance reported as amended, Senate Bill No. 1610 (House Bill No. 2437), entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcohol alcoholic beverages and malt or brewed beverages permitting licensees to l slemalt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and the court of quarter sessions and conferring additional powers and imposing additional duties on the board including the power to fix the form and capacity of packages and containers conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties legalizing the home manufacture and possession of wine extending the civil service provisions of this act further regulating the manufacture sale and traffic in alcohol alcoholic beverages and malt and brewed beverages prescribing penalties and repealing existing laws.

RECESS

Mr. ARON. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. SORDONI. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Represntativs as follows:

House Bill No. 1755 (Senate Bill No. 1730), entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15), entitled "Pennsylvania Liquor Control Act," better defining the word "club," and permitting sales by clubs on Sundays and election days.

Which was committed to the Committee on State Government.

House Bill No. 2762 (Senate Bill No. 1731), entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines.

Which was committed to the Committee on Mines and Mining.

REPORTS FROM COMMITTEES

Mr. HUFFMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN, from the Committee on Finance, reported as committed, Senate Bill No. 1609 (House Bill No 2436), entitled:

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by providing for the issue by the county treasurer of retail dispensers' and package retailers' licenses and by the Pennsylvania Liquor Control Board of distributors', importing distributors' and manufacturers' licenses regulating the business of manufacturers of malt and brewed beverages and providing for the issue of public service licenses and special permits relating to entertainment and transportation for hire by said board changing fixing and providing for the fixing of permit and license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the court of quarter sessions and board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. If there objection? The Chair hears none.

Mr. BUCKMAN, from the Committee on Judiciary General, reported as amended, the following resolution:

SENATE COMMITTEE TO INVESTIGATE CHARGES AGAINST SENATOR CLARK

In the Senate, June 19, 1935

Whereas, There appears in the Harrisburg papers today charges by Governor George H. Earle that "a Senator" solicited bribes from the Secretary to the Governor, Harry E. Kalodner, and Attorney General Charles J. Margiotti, now therefore be it

Resolved, That the President Pro Tempore of the Senate be, and he is hereby authorized to appoint a special committee of five Senators to conduct an immediate, diligent and thorough inquiry for the benefit of the Senate into the charges thus made by the Governor, and all other matters having any bearing thereon which may come to the notice of the said Committee; and be it further

Resolved, That such Committee shall have power to issue subpoenas under the hand and seal of its Chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee, and to produce such books, papers, records and documents as the Committee may deem necessary. Such subpoenas shall be served upon any person and shall have the force and effect of subpoenas issued out of the Courts of this Commonwealth. Each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

That said Committee shall make report of its findings to the Senate during the present session to the President Pro Tempore in the interim. All of its powers shall continue after the close of the present session and until its final report is made. A copy of such report shall be furnished to each member of the Senate.

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Rule 39 which requires that resolutions reported from Committee lie on the table one day, be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

RECONSIDERATION OF SENATE BILL NO. 1720 (HOUSE BILL NO. 2904)

Mr. OWLETT. Mr. President, I move to reconsider the vote by which Senate Bill No. 1720 (House Bill No. 2904), entitled:

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined used or useful in beautifying cleansing preserving and improving the appearance of the skin hair or teeth and including perfumes and shaving preparations by dealers as herein defined requiring persons engaged in the sale of cosmetics at wholesale or retail or secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cos-

metics at retail or wholesale providing penalties and making an appropriation.

was ordered to be transcribed for third reading.

Mr. GRAFF. Mr. President, I second the motion

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The fifteenth, fourteenth, thirteenth, twelfth, eleventh, tenth, ninth, eighth, seventh, sixth, fifth and fourth sections of the bill were separately reconsidered.

Mr. OWLETT. Mr. President, I move to reconsider the vote by which the third section of the bill was agreed to.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 3, page 4, lines 23 and 24 by striking out the words and numerals "five dollars ($5)" and inserting in lieu thereof the following: two dollars ($2); also page 5, line 14 by striking out the words and numerals "five dollars ($5)" and inserting in lieu thereof the following: two dollars ($2).

Mr. GRAFF. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth fourteenth and fifteenth sections of the bill were read and agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. GELDER. Mr. President, I desire at this time to call up Senate Bill No. 1577 (House Bill No. 2583), on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1577 (House Bill No. 2583), as follows:

An Act to amend sections 102 203 as amended section 209 sections 402 410 411 as amended sections 505 602 712 section 716 as amended section 717 sections 719 722 723 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1213 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following definitions appearing in section one hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one Pamphlet Laws seven hundred fifty-one are hereby further amended to read as follows

"Commercial Motor Vehicle" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation [with] to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Motor Cycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground except any such vehicle as may be included within the term "tractor"

"Tractor" Every vehicle of the tractor type [excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks] as defined in the Tractor Code

Section 2 That section one hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-two) is hereby further amended by adding the following definition

"Flammable Liquid" Any liquid which has a flash point of seventy degrees Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

Section 3 That subsection (b) of section two hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred

thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 203 Contents Delivery and Life of Certificate of Title

(b) Where there are no liens or encumbrances upon the motor vehicle the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance upon said motor vehicle and be retained by such person until the entire amount of such first lien or encumbrance is fully paid by the owner of said motor vehicle Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle with proper evidence of satisfaction of same A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied

Penalty Any person failing to deliver upon demand a satisfied certificate of title as required by the provisions of subsection (b) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for a second offense be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 4 That subsection (a) of Section two hundred nine of said act be and the same is hereby amended to read as follows

Section 209 Records of Stolen Motor Vehicles

(a) It shall be the duty of the secretary whenever he receives report of the theft of a motor vehicle whether the same has been registered or not and whether owned in this or any other State together with the name and manufacturer's serial number thereof to make a distinctive record thereof and file the same in numerical order of the manufacturer's serial number with the records of the vehicles of such name already titled Such records may at the discretion of the Secretary be destroyed after three (3) years

Section 5 That subsection (a) of Section four hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 402 Application for Registration

(a) Application for the registration of a motor vehicle trailer or semitrailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of commercial motor vehicles the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body if so constructed or the gross weight of the trailer or semitrailer exclusive of the load to be transported and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certificate of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by said corporation copartnership or association to sign the same and shall be accompanied by the fee provided in this act

Section 6 That section four hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 410 Registration Shall Be Refused

The department shall not register any vehicle in any of the following events

1 When the applicant therefor is not entitled thereto under the provisions of this act

2 When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department

3 When the fees required therefor by law have not been paid

4 When the vehicle is not constructed or equipped as required by this act

[5 When evidence of recent inspection and approval of a used motor vehicle by an official inspection station is not presented as required by this act]

Section 7 That subsection (c) of Section four hundred eleven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 411 Transfer of Registration

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horse power or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certification of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

Section 8 That subsection (d) of Section five hundred five of said act be and the same is hereby amended to read as follows

Section 505 Lost Defaced or Substituted Registration Plates

(d) Upon the receipt of new plate or plates it shall be the duty of the owner to return immediately to the department for cancellation the old registration plate or plates unless lost or destroyed

Penalty Any person violating any of the provisions of subsection (a) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 9 That section six hundred two and seven hundred twelve of said act be and the same is hereby amended to read as follows

Section 602 Persons Exempt from License

Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act

Section 712. Lighting Equipment.

The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved.

The fee for approval and registration of rear lamps, signal lamps, reflectors, and mechanical signal devices shall be fifty ($50) dollars for each type approved.

The fee for approval and registration, incident to the renewal of a certificate of approval for head lamps, shall be fifty ($50) dollars.

The fee for approval and registration, incident to the renewal of a certificate of approval for auxiliary driving lamps, rear lamps, signal lamps, reflectors, and mechanical signal devices, shall be twenty-five ($25) dollars.

Section 10 That section seven hundred sixteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 716 Certificates of Title Duplicate Certificates of Title

The fee for each certificate of title shall be two ($2) dollars except in the case where a certificate of title is issued in the name of manufacturer jobber or dealer then the fee shall be fifty ($.50) cents The fee for a duplicate certificate of title shall be [fifty ($.50) cents] one ($1) dollar

Section 11 That section seven hundred seventeen of said act be and the same is hereby amended to read as follows

Section 717 Certified Copies of Records

The fee for certified copy or certified photostat copy of any department record shall be one ($1) dollar for each form or supporting document comprising such record

Section 12 That section seven hundred nineteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 719 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for cancelling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 13 That subsection (e) of section seven hundred twenty-two of said act as amended by the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws eleven hundred thirty-seven) is hereby further amended to read as follows

Section 722 Exemptions From Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semitrailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) and city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anticruelty society in this Commonwealth (f) [by] the American Red Cross (g) [by] churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semitrailers

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section seven hundred twenty-two (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

Section 14 That sections seven hundred and twenty-three and eight hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 723 No Other Taxes or Fees to be Imposed Exception No city borough incorporated town township or county shall require or collect any registration or license fee or tax for any motor vehicle trailer or semi-trailer or license from any operator thereof except that cities may levy a fee or tax upon motor buses and motor omnibuses transporting passengers for pay or hire within the limits of any city or from points within such city [to points outside of the city limits] to its suburbs which are within a radius of ten miles

Section 801 Required Lighting Equipment

(a) When Lights Must be Displayed Every vehicle upon a highway within this Commonwealth during the period from one (1) hour after sunset to one (1) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible [any person] persons and vehicles on the highway at a distance of [two] five hundred [(200)] (500) feet ahead shall be equipped with lighted [front and rear] lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a Motorcycle or Bicycle with motor attached shall be equipped with two (2) head lamps and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of their use are approved by the secretary

(c) Head Lamps on Motorcycles Every motorcycle shall be equipped with at least one (1) head lamp and not more than two (2) which shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of its use is approved by the secretary

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the secretary and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [and] Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear lamp said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(e) [Clearance Lamps Every vehicle having a width at any part in excess of ninety (90) inches shall carry at least one (1) clearance lamp on the left side of such vehicle and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and displaying a red light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle Provided That motorcycles having more than two (2) wheels or with side car equipment shall display a clearance lamp in such a manner as to indicate the right lateral extension of the vehicle Every combination of vehicles couples together having an overall length in excess of thirty-five (35) feet shall carry at least one (1) clearance lamp on both the right and left sides of such vehicles and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front and rear of such vehicles]

Reflectors Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on

a highway shall display at the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever red or green reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the Secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposed to a motor vehicle displaying lawfully lighted head lamps as provided in this act

(f) Every commercial motor vehicle trailer or semitrailer or every motor omnibus or motor bus except motor buses or motor omnibuses operated entirely within municipalities when their interiors are illuminated shall display lighted lamps at the times mentioned in subsection (a) when and as required in this section except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred (500) feet

1 Clearance Lamps Every such vehicle having a width at any part in excess of eighty (80) inches shall be equipped with two (2) clearance lamps located on the extreme left side of such vehicle one located at the front and displaying a green light visible from a distance of five hundred (500) feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of five hundred (500) feet to the rear of the vehicle and said rear clearance lamp shall be in addition to the red rear lamp hereinbefore required Provided however that vehicles equipped with acetylene headlamps may in lieu of such clearance lights be equipped with a green reflector in front and a red reflector in the rear which shall be so designed and maintained to meet the requirements as to reflectors provided in this section

2 Identification Lamps Front and Rear Every motor vehicle trailer or semitrailer or combination of such vehicles having a length in excess of thirty (30) feet or a width in excess of eighty (80) inches shall be equipped with lamps on the front displaying three (3) green lights and lamps on the rear displaying three (3) red lights and the lights in each such group shall be evenly spaced not less than six nor more than twelve (12) inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of five hundred (500) feet to the front and rear respectively of the vehicle Provided however that vehicles equipped with acetylene headlamps may in lieu of such identification lamps be equipped with red and green reflectors

3 Side Marker Lamps Every such vehicle or combination of such vehicles which exceeds twenty (20) feet in overall length shall be equipped with at least four (4) side marker lamps one (1) on each side near the front and one (1) on each side near the rear Said lamps near the front shall display green lights and said lamps near the rear shall display red lights each visible from a distance of five hundred (500) feet to the side of the vehicle on which it is located If the clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of five hundred (500) feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph In lieu of such side marker lamps any such vehicle may be equipped with four (4) reflectors two (2) on each side and otherwise meeting the requirements of this act

[(f)] (g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least [two] five hundred [(200)] (500) feet in front of such bicycle or bicycle with motor attached and shall also be equipped with a [reflex mirror] red reflector or lamp on the rear exhibiting or reflecting a red light visible under like conditions from a distance of at least [two] five hundred [(200)] (500) feet to the rear of such bicycle or bicycle with motor attached

[(g)] (h) Lights on Other Vehicles All vehicles not required in this act to be equipped with specific lighted lamps shall carry one (1) or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front and with a lamp or lantern displaying a red light visible from a distance of five hundred (500) feet to the rear of such vehicles except for vehicles other than motor vehicles loaded with hay or straw in bulk

[(h)] (i) Lights on Parked Motor Vehicles Whenever a motor vehicle is parked or stopped upon a highway or shoulder adjacent thereto whether attended or unattended during the time when lights are required by this section may in lieu of the lighting equipment specified show one (1) white or green light carried on the left side of the motor vehicle visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear Provided That local authorties may by ordinance establish zones within which motor vehicles may remain standing without lights Any lighted headlamps upon a parked vehicle shall be depressed or dimmed

Penalty Any person violating any of the provisions of subsection (a) (b) (c) (d) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (f) [or] (g) (h) or (i) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

Section 15 That section eight hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 802 Additional Permissible Lights and Devices (a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed [two (2)] one (1) spot [lamps except that a motorcycle shall not be equipped with more than (1) spot lamp] lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the [center of the highway] prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not [less than two (2)] to exceed three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary

(c) Signal Lamps and Mechanical Signal Devices 1 Whenever a motor vehicle is equipped with a signal lamp or a signal device [the signal lamp shall be] so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red [or green] in color [which] and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front or rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of a type which at the time of [its] their use [is] are approved by the secretary

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be [so constructed and located on the vehicle as to give a signal plainly visible from a distance of one hundred (100) feet to the rear of the vehicle] self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of

a type which at the time of its use is approved by the secretary

[(d) Reflector Any vehicle may be equipped with a reflector so located as to reflect rays of light thrown upon such reflector]

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 16 That the said act is hereby amended by adding to Article eight the following section eight hundred two and one-tenth eight hundred two and two-tenths eight hundred two and three-tenths and eight hundred two and four-tenths

Section 802.1 Multiple Beam Road Lighting Equipment Except as hereinafter provided the headlamps or the auxiliary driving lamps or combinations thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations subject to the following requirements and limitations

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading The maximum intensity of this uppermost distribution of light or composite beam one (1) degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8000) apparent candlepower and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower

(b) There shall be a lowermost distribution of light or composite beam so aimed that

1 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of ten (10) inches below the level of the center of the lamp from which it comes

2 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme life side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes

3 In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(c) Where one intermediate beam is provided the beam on the left side of the road shall be in conformity with subsection (b) one of this section except when arranged in accordance with the practice specified in subsection (e)

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead

(e) All road lighting equipment manufactured and installed on and after January first one thousand nine hundred thirty-six shall be so arranged that whenever any beam is used which is not in conformity with subsection (a) of this section two (2) white or yellow lights one (1) on each side of the vehicle visible to an oncoming driver and to the driver of said vehicle shall be lighted except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on Indicator lights shall not be connected otherwise than as required in this paragraph Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lighted when a beam is in use which conforms with subsection (b) one of this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.2 Use of Multiple Beam Road Lighting Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.3 Single Beam Road Lighting Equipment Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet

(c) Any motor vehicle may be operated under the conditions specified in section eight hundred one (801) when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps otherwise required Provided however that at no time shall be it operated at a speed in excess of twenty (20) miles per hour.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.4 Number of Driving Lamps Required or Permitted

(a) At all times specified in section eight hundred one (801) at least two (2) lighted lamps shall be displayed one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles

(b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway

(c) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps spot lamps or auxiliary driving lamps which projects a beam of light of

an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle

(d) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare

(e) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare

(f) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion

(g) No person shall operate or move any vehicle except fire department and fire patrol apparatus upon a highway with a red light displayed on the front thereof

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 That section eight hundred three of the said act is hereby repealed [Section 803 Requirements as to Head Lamps and Auxiliary Driving Lamps]

[(a) The head lamps or head lamp of motor vehicles shall be so constructed arranged adjusted and attached that except as provided in this act they will at all times mentioned in this act and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible all vehicles persons or substantial objects one hundred sixty (160) feet ahead but shall not project a glaring or dazzling light to persons in front of such head lamps or head lamp Provided That for motorcycles the distance at which vehicles persons or substantial objects shall be clearly discernible shall be one hundred fifteen (115) feet]

[(b) Head lamps or head lamp shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if no part of the main bright portion of the headlamp beam rises above a horizontal plane passing through the lamp centers parallel to the level of the highway upon which the loaded vehicle stands and in no case higher than forty-two (42) inches at a distance seventy-five (75) feet ahead of the vehicle]

[(c) Whenever a motor vehicle is being operated upon a highway or a portion thereof which is sufficiently lighted to reveal vehicles persons or substantial objects on such highway at a distance of two hundred (200) feet ahead of motor vehicle it shall be permissible to dim the headlamps or headlamp or to tilt the beams or beams downward or to substitute therefor the light from side lights or auxiliary driving lamps subject to the restrictions as to tilted beams and auxiliary driving lamps as provided in this act]

[(d) Restrictions on Lamps Bulbs and Reflectors Any device other than headlamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than twenty-five (25) candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty (50) feet from the vehicle]

[Every electric lamp or bulb used in any head lamp or auxiliary driving lamp on any motor vehicle shall not exceed the mean spherical candlepower designated in certificate of approval as issued by the secretary]

[Every electric lamp or bulb used in any side light shall not exceed four (4) mean spherical candlepower]

[Every reflector which is used as a part of any head lamp shall have a highly polished silvered or glass or other reflecting surface and shall be free from dents rust and other imperfections]

[(e) Whenever a motor vehicle meets another vehicle an any highway it shall be permissible to tilt the beams or beams of the headlamps or headlamp downward or to substitute therefor the light from auxiliary driving lamps subject to the requirement that the tilted beams or beam or the beams from the auxiliary driving lamps shall give sufficient illumination under normal atmospheric conditions and on an approximately level highway to render clearly discernible vehicles persons or substantial objects seventy-five (75) feet ahead of the motor vehicle but shall not project a glaring or dazzling light to persons in front of the motor vehicle Provided That at all times required in this act at least two (2) lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle which shall display at least one (1) light as provided in this act]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 18 That section 804 of the said act is hereby repealed [Section 804 Acetylene Lights]

[Motor vehicles may be equipped with two (2) acetylene headlamps of approximately equal candlepower when equipped with clear plain glass fronts bright spherical or Managan mirrors not to exceed six (6) inches in diameter and standard acetylene five-eights (⅝) foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching persons except that motorcycles may be equipped with one (1) acetylene headlamp of these specifications]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 19 That section 807 of said act is hereby amended to read as follows

Section 807 Revocation of Certificates of Approval of Lighting Devices

(a) Any certificate of approval however heretofore or hereafter issued may be revoked by the secretary after a hearing before the secretary or his representative of which the person named therein or his successor in interest shall be given reasonable notice or opportunity to hear or to be heard upon the ground that the lighting device reflector or mechanical signal device does not comply with the provisions of this act regulations adopted or is not being supplied in production in accordance with specifications original blueprint assemblies or sample devices originally submitted However revocation of certificates of approval of devices heretofore or hereafter approved shall not take effect until three (3) months after decision of the secretary revoking same

(b) The secretary may adopt uniform standard specifications for head lamps auxiliary driving lamps rear lamps signal lamps reflectors and may promulgate certain rules and regulations not inconsistent with this act to govern his decision in approving any lighting device reflector or mechanical signal device or revoking any certificate of approval issued for such devices

(c) Certificates approving each type of head lamp device hereafter issued by the secretary will expire and be void after [two (2)] four (4) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purposes in accordance with this act together with the fee provided in this act and new certificate of approval has been issued

(d) Certificates approving each type of auxiliary driving lamp rear lamp mechanical signal device reflector and signal lamp hereafter issued by the secretary will not expire [and be void after two (2) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of any such certificate furnishing two (2) samples for test purposes in accordance with this act together with fee provided in this act and new certificate of approval has been issued] until revoked for cause by the secretary

(e) When no renewal application is made and when an application for renewal of certificate of approval is refused the head lamp auxiliary driving lamp rear lamp mechanical signal device reflector or signal lamp will become

illegal for use on motor vehicles after [two (2)] six (6) years from date of expiration of certificate Provided however new motor vehicles will not be titled unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

Section 20 That subsection (a) of section eight hundred eight of said act be and the same is hereby amended to read as follows

Section 808 Enforcement and Authority to Refuse Title or Registration

(a) A head lamp or auxiliary driving lamp arranged to provide a single distribution of light will be presumed to project a glaring or dazzling light if the top of any main beam of light projected by it is at a distance of twenty-five (25) feet ahead of the motor vehicle on an approximately level stretch of highway projected on the body of a person or on a motor vehicle or on any object at a height greater than the distance of the centers of the lamps from the highway A head lamp or auxiliary driving lamp arranged to provide a single distribution of light and mounted on a motor vehicle at a height higher than forty-two (42) inches above the highway will be presumed to project a glaring or dazzling light if the top of the beam of light projected by it on an approximately level stretch of highway be higher than forty-two (42) inches above the highway seventy-five (75) feet ahead of the vehicle

Section 21 That subsections (c) (d) (e) (f) (g) (h) and (i) of section eight hundred eleven of said act be and the same is hereby amended to read as follows

Section 811 Brakes

(c) [All such brakes shall be maintained in good working order and shall conform to regulations further provided in this act] Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle for at least fifteen (15) minutes and so designed as to be applied by the driver of the towing motor vehicle from its cab and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied

(d) [On and after July first one thousand nine hundred and thirty-one all new motor vehicles titled or registered in this Commonwealth shall be equipped with brakes as respectively required in this act for different classes of motor vehicles capable of conforming to braking requirements further provided in this act] Every new motor vehicle trailer or semi-trailer sold in this Commonwealth on and after January first one thousand nine hundred thirty-six and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle except any motorcycle and except that any semi-trailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes

(e) On a dry hard approximately level stretch of highway free from loose material [the service brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet or at a rate which corresponds to such performance] where the grade does not exceed one (1) per centum the service brakes upon any motor vehicle or combination of vehicles except as herein provided shall be adequate to stop such vehicle or vehicles when traveling at a speed of twenty (20) miles per hour within a distance of thirty (30) feet or at a rate corresponding to such performance

(f) [On a dry hard approximately level stretch of highway free from loose material the emergency brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of seventy-five (75) feet or at a rate which corresponds to such performance] Under the above conditions the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet and said emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(g) [Commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight shall be capable of stopping on a dry hard approximately level stretch of highway free from loose material within the following distances or at rates corresponding in each instance to the several performances specified

Within fifty (50) feet from twenty (20) miles per hour upon simultaneous application of the service and emergency brakes

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the service brake alone

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the emergency brake alone] Under the above conditions the service brakes upon a motor vehicle equipped with two wheel brakes only and when permitted hereunder shall be adequate to stop the vehicle within a distance of forty (40) feet and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet

(h) [When any motor vehicle with trailer attached is operated in combination the application of brakes shall be construed to mean the application of all brakes on the motor vehicle and trailer which are normally capable of being operated simultaneously by the operator] All braking distances specified in this section shall apply to all vehicles mentioned whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 22 That section eight hundred twelve of said act be and the same is hereby amended to read as follows

Section 812 Brake Enforcement

(a) [The brakes on a motor vehicle will be presumed to be unsafe and to require immediate attention if on a dry approximately level stretch of highway free from loose material the service brake will not be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the emergency brake under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance except that the brakes on commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight will be presumed to be unsafe and to require immediate attention if on a dry hard approximately level stretch of highway free from loose material both brakes applied simultaneously will not be capable of stopping such vehicles from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the service and emergency brakes applied separately under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance or when on a descending grade not exceeding ten (10) per centum motor vehicle will drift with either service or emergency brake applied singly] It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of this Commonwealth with brakes not conforming with the requirements of this act

(b) It shall be unlawful for any person to operate a motor vehicle without required number of brakes in good working condition The owner or operator of any motor vehicle who is notified by a peace officer that such brake or brakes are improperly adjusted or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to correct adjust or repair such brakes to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official brake adjusting station showing that within forty-eight (48) hours after such notification the brakes have been corrected adjusted or repaired to conform with the requirements of this act shall relieve the owner or

operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the brakes have been corrected adjusted or repaired as required in this act information for arrest will be made Provided That when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this act or hold a motor vehicle or combination of vehicles [on a descending grade not exceeding ten (10) per centum] stationary on any grade upon which operated the owner or operator may be required to make temporary correction adjustment or repairs before being permitted to proceed with the motor vehicle or combination of vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 23 That subsections (f) (g) (h) and (i) of section eight hundred thirteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 813 Official Inspection Stations

(f) It shall be unlawful for any [such designated official inspection station] person to furnish give or sell to any owner or operator of a motor vehicle trailer or semi-trailer or to place in or on any motor vehicle trailer or semi-trailer a certificate of inspection and approval unless an official inspection of its mechanism and equipment shall have been made and the motor vehicle trailer or semi-trailer conforms with the provisions of this act It shall be unlawful for any such designated official inspection station to furnish loan give or sell a certificate or certificates of inspection and approval to any other such designated official inspection station or any other persons except those entitled to receive them under the provisions of this act

[(g) It shall be unlawful in case of transfer of ownership of any used motor vehicle for the owner to submit with his application for registration a certificate of inspection and approval unless an official inspection shall have been made and the vehicle found to conform with the provisions of this act]

[(h)] (g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made information for the arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of modification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semi-trailer within distance defined in this act or hold a motor vehicle trailer or semi-trailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

[(i)] (h) An official inspection station and the records thereof shall be open for inspection by any peace officer or department employe The owner of an official inspection station shall file with the department on a form prescribed and furnished by the department such information relating to daily inspections as the secretary may require

Section 24 That subsections (b) and (g) of section eight hundred twenty-three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 823 Official Inspections

(b) If such inspections disclose the necessity for adjustments corrections or repairs in order to bring the motor vehicle in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the [period designated in the hereinbefore mentioned proclamation] periods required in this act

(g) During the period designated in the hereinbefore mentioned proclamation any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle conforms to the provisions of this act

Section 25 That section eight hundred twenty-four of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended to read as follows

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over when operated upon a highway outside of a business or residence district at any time from one (1) hour after sunset to one (1) hour before sunrise shall be equipped with [at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen (15) minutes

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow-burning danger or caution signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision a sufficient number of flares not less than three (3) or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours except that vehicles transporting flammables may carry red reflectors in place of the other signals hereinbefore mentioned

Every such flare lantern signal or reflector shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

(b) Whenever any such vehicle and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such flares lanterns or other signals to be lighted and placed upon the highway one (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables three (3) red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle

(c) No person shall at any time operate a vehicle

transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 26 That subsection (f) of Section nine hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(f) It shall be unlawful for any person to transport on a motor vehicle trailer or semi-trailer operated for the carriage of passengers for hire a load [in excess] of twenty-five (25) per centum in excess of the registered seating capacity or for any person to cause or permit any such operation Provided however That a child under the age of six years shall not be counted as a person when computing load on any such vehicle

Section 27 That subsection (a) of Section 905 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 905 Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit [including] The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be deemed necessary by the authority granting such permits] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 28 That section 906 of said act be and the same is hereby amended to read as follows

Section 906 Special Limitations

(a) No vehicle shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when appropriate signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and mentioned in the posted signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten ($10)] fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [five (5)] ten (10) days

Section 29 That subsection (b) and (c) of Section 1002 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours

3 Twenty (20) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the [proper] Department of Highways or local authorities on the righthand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where sign erected by the proper authorities is displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officers or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

4 Forty (40) miles an hour speed limit

All vehicles except those otherwise restricted by this act to lower maximum speeds

(c) Subject to the provisions of subsections (a) and (b) of this section it shall be unlawful for the following kinds of types and classes of vehicles to [exceed the maximum speed limits] be operated at a greater speed than hereinafter provided

For determining the maximum speed of a combination of vehicles the lower speed provided for either of the vehicles in the combination shall govern

[1 Ten (10) miles an hour speed limit

Tractors

Commercial motor vehicles and truck tractors with solid rubber tires Class Z VZ WZ YZ and ZZ]

[2 Twelve (12) miles an hour speed limit
Commercial motor vehicles and truck tractors with solid rubber tires Class Y]
[3 Fifteen (15) miles an hour speed limit
Commercial motor vehicles and truck tractors with solid rubber tires Class V W and UZ]
[4 Eighteen (18) miles an hour speed limit
Commercial motor vehicles and truck tractors with solid rubber tires Class U SZ and TZ]
[5 Twenty (20) miles an hour speed limit
Commercial motor vehicles and truck tractors with solid rubber tires Class S T and RZ
Commercial motor vehicles and truck tractors with cushion rubber tires Class W Y Z UZ VZ WZ YS and ZZ]
[6 Twenty-four (24) miles an hour speed limit
Commercial motor vehicles and truck tractors with solid rubber tires Class R
Commercial motor vehicles and truck tractors with pneumatic tires Class Y Z VZ WZ YZ and ZZ
Commercial motor vehicles and truck tractors with cushion rubber tires Class U V SZ and TZ]
[7 Thirty (30) miles an hour speed limit
Motor buses and omnibuses with solid rubber or cushion rubber tires Class B C D and E
Commercial motor vehicles and truck tractors with pneumatic tires Class V W SZ TZ and UZ
Commercial motor vehicles and truck tractors with cushion rubber tires Class R S T and RZ]
[8 Thirty-five (35) miles an hour speed limit
Commercial motor vehicles and truck tractors with pneumatic tires Class R S T U and RZ
Motor buses and omnibuses with pneumatic tires Class C D and E]

CLASS OF VEHICLES Commercial Motor Vehicles and Truck Tractors	MILES PER HOUR When Equipped With Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
(Four-Wheeled) (2 Axles)			
R	24	30	35
S	20	30	35
T	20	30	35
U	18	24	35
V	15	24	30
W	15	20	30
Y	12	20	24
Z	10	20	24
(Six-Wheeled) (3 Axles)			
RZ	20	30	35
SZ	18	24	30
TZ	18	24	30
UZ	15	20	30
VZ	10	20	24
WZ	10	20	24
YZ	10	20	24
ZZ	10	20	24
(Semitrailer) (Two-Wheeled)			
A	24	30	35
B	20	30	35
C	20	30	35
D	20	30	35
E	18	24	30
F	18	24	30
G	15	24	30
Trailer or Semitrailer (Four-Wheeled) (2 Axles)			
A	24	30	35
B	20	30	35
C	20	30	35
D	18	24	30
E	15	20	30
F	12	20	24
G	10	20	24
Trailer (Six-Wheeled) (3 Axles)			
AZ	20	30	35
BZ	18	24	30
CZ	15	20	30
DZ	10	20	24
EZ	10	20	24
FZ	10	20	24
GZ	10	20	24
Motor Buses and Omnibuses			
B	30	30	
C	30	30	35
D	30	30	35
E	30	30	35

Section 30 That subsection (b) of section 1010 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1010 Following too Closely

(b) The operator of any motor bus motor omnibus commercial motor vehicles truck tractor or tractor not being part of any military convoy in the military service of the United States or of this Commonwealth when traveling upon a highway outside of a business or residence district shall not follow another such vehicle within five hundred (500) feet but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle

Section 31 That subsection (b) of section one thousand seventeen of said act be and the same is hereby amended to read as follows

Section 1017 Passing Street Cars

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car or school bus has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interurban [or] street car or school bus but may proceed past such car or school bus at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Section 32 That section one thousand twenty of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended by adding thereto paragraph fifteen

Section 1020 Parking Prohibited in Specified Places

15 Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted the operator of a vehicle shall not stop stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway headed in the direction of traffic and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb Vehicles which because of type or construction cannot load or unload parallel to the curb shall be exempt while loading or unloading only from the requirements of standing parallel to the curb

Section 33 That subsection (c) of Section 1023 of said act be and the same is hereby amended to read as follows

Section 1023 Persons Tampering with Vehicles

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicles or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Section 34 That subsection (g) of section one thousand twenty-six of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1026 Traffic Signal Interpretation

(g) Flashing Red Signal In cities boroughs incorporated towns or townships a signal when illuminated by rapid intermittent red flashes shall require the operators of all vehicles and street cars and trackless trolleys to

observe the same regulations as for through traffic stop signs and signs at stop intersections as provided in this act

Section 35 That section one thousand twenty-seven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1027 Certain Vehicles to Stop at Railway Grade Crossings

All motor buses and motor omnibuses engaged in the transportation of passengers for compensation and all motor vehicles used in the transportation of school children either on contract with the school district authorities or owned by school districts and vehicles transporting explosives or flammable liquids as a cargo or part of a cargo shall come to a complete stop immediately before crossing a railway grade crossing

Section 36 That subsection (a) of Section one thousand one hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1103 Powers of Local Authorities

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace officers or traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 37 That subsection (c) of Section one thousand one hundred five of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1105 Uniformity and Control of Signs and Markings

(c) The Secretary of Highways and local officials in their respective jurisdictions shall have the authority to cause the removal of all colored or flashing light signs or other lights [or] signs or marking so located as to interfere with traffic or to be confused with or to obstruct the view or effectiveness of official signs traffic signals or markings

Section 38 That Section one thousand one hundred eight of said act be and the same is hereby amended to read as follows

Section 1108 Defacing signs

It shall be unlawful for any person to deface damage knock down [or] remove obstruct or interfere with any sign posted as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 39 That section one thousand one hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signals

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain traffic signals Before local authorities in counties or townships shall erect or cause to be erected traffic signals on a State Highway they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Traffic signals electrically operated shall conform to the following

1 Where a three-color system is used the yellow light following the red light shall not exceed three (3) seconds in length The timing of all lights shall be determined by the volume of traffic and other conditions

2 Where three colored lights are used the yellow shall be in the center

3 The light shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of not less than eight (8) feet above the pavement to the bottom of the signal if on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January [the] first [nineteen] one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

(c) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "Stop" plainly visible thereon and the go vanes a green field with the word "Go" plainly visible thereon

2 When used at night they shall be equipped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

(d) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated

(e) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top or left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operated a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 40 That section one thousand two hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before [the magistrate nearest to the point where the alleged violation occurred or] a magistrate within the city borough incorporated town or township where the alleged violation occurred within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered

(b) Where the offense committed is designated a felony

or misdemeanor information may be filed as now provided by law

Section 41 That section one thousand two hundred nine of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1209 Registration Number Prima Facie Evidence

In any proceeding for a violation of the provisions of this act or any local ordinance rule or regulation the registration plate displayed on such [motor] vehicle shall be prima facie evidence that the owner of such [motor] vehicle was then operating the same If at any hearing or proceeding the owner shall testify under oath or affirmation that he was not operating the said [motor] vehicle at the time of the alleged violation of this act or any local ordinance rule or regulation and shall submit himself to an examination as to who at that time was operating such motor vehicle and reveal the name of the person if known to him or if the information is made in a county other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

Section 42 That subsection (b) of section one thousand two hundred twelve of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1212 Enforcement of Local Ordinances

(b) Prosecutions brought under any local ordinance rule [or] regulation or for common law offenses which are based on a violation for which there is a specific penalty provided in this act shall be deemed and considered as having been brought under this act and the disposition of the fines and forfeitures shall be so governed

Section 43 That section one thousand two hundred eighteen of said act is amended by adding thereto a subsection (d) as follows

Section 1218 Signals and Investigation by Officers

(d) It shall be unlawful for any operator of a vehicle to refuse to comply with any lawful order signal or direction of a peace officer who shall be in uniform and shall exhibit his badge or other sign of authority

Section 44 Constitutional Construction

The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed as affecting or impairing any other provision of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 45 Effective Dates

(a) The following amendments shall become effective on and after January one one thousand nine hundred thirty-six

The definition of "commercial motor vehicle" as amended by section 1 of this amending act the provisions of section 14 insofar as they affect subsections (e) and (f) of section 801 of the act to which this is an amendment the provisions of section 15 insofar as they affect subsection (d) of section 802 of the act to which this is an amendment the provisions of sections 16 and 17 the provisions of section 21 insofar as they affect subsections (c) and (d) of section 811 of the act to which this is an amendment the provisions of sections 25 and 32

(b) All other provisions of this act shall be effective immediately upon the approval of this act by the Governor

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. GELDER. Mr. President, I ask unanimous consent to amend page 43, line 9, by inserting after the word "lanterns" the following: "electric flashing signals"; also line 12, by striking out after the word "hours" the following: "except that vehicles transporting flammables may carry red reflectors in place of the other signals hereinbefore mentioned"; also line 15, by inserting after the word "lantern" the following: "electric flashing"; also line 15, by striking out the word "reflector" and insert the following: "other signal"; also line 29, by inserting after the word "lanterns" the following: "flashing signals"; also page 44, line 6, by striking out after the word "flammables" the following: 'three (3) red reflectors may be so placed in lieu of such other signals and"; also line 12, by striking out after the word 'carries" the following: "flares or"; also line 12, by inserting after the word "lanterns" the following: "or electric flashing signals"; also line 13, by striking out the words "flares or"; also line 13, by inserting after the word "lanterns" the following: "or electric flashing signals"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING

Mr. GELDER. Mr. President, I desire at this time to call up Senate Bill No. 1361 (House Bill No. 2062) on third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1361 (House Bill No. 2062), as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nine million dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-six out of the Motor License Fund for allocation to and expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The Department of Highways shall expend in each of the townships of the second class for the maintenance construction reconstruction and repair of roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such proportion of the total amount hereinbefore provided as the miles of streets or roads under its jurisdiction within its legal limits and not maintained by the Department of Highways under the provisons of any other law bears to the total number of miles of such streets or roads within the legal limits of all townships of the second class

Section 3 Nothing in this Act shall be construed to

relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-six for the construction or repair of any highway or structure now under their jurisdiction

Section 4 The proper officials of each township of the second class if they have not previously done so shall at the time of fixing the tax levy for the years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven reduce the said tax levy for road and street purposes by an amount approximately equivalent to the amount to be expended in such township under the provisions of this Act as compared with the amount levied for road and street purposes for the year one thousand nine hundred thirty-three except that proper provision shall be made by the townships for interest sinking fund debt repayment charges and such other administrative and overhead expenses as may be necessary

Section 5 The several second-class townships in which the money hereby allocated is expended by the Department of Highways are hereby authorized and directed to turn over to the Department of Highways for use in the maintenance of any road or street within the legal limits of such township any road building machinery or equipment now owned by such municipality without charge for such use by the Department Any repairs to said equipment which become necessary while in the possession and use of the Department of Highways for the purposes of this Act shall be made only with the consent and approval of the township authorities and shall be paid for out of the funds hereby allocated to such township whether the said repairs are made necessary by ordinary wear and tear or by negligence in the operation The Department of Highways shall in so far as may be practicable employ the duly elected road supervisors of each township in a supervisory capacity in the work to be done on the roads of such township under the provisions of this Act

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. GELDER. Mr. President, I ask unanimous consent to amend page 4, lines 1 to 3 inclusive, by striking out after the word "operation" in line 1 and before the word "the" in line 3, the words "The Department of Highways shall in so far as may be practicable employ"; also page 4, line 4, by inserting after the word "township" and before the word "in" the following: "shall elect a roadmaster who may be a member of the Board of Supervisors who subject to the approval of the Secretary of Highways shall be employed by the Department of Highways"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

FURTHER CONSIDERATION OF CALENDAR DEFERRED

Mr. BUCKMAN. Mr. President, I move that the further consideration of today's calendar be deferred until tomorrow.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. HARVEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARVEY, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 1731 (House Bill No. 2762), entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines

MOTION TO READ BILLS THE FIRST TIME

Mr. HOWELL. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 339 (House Bill No. 759), entitled:

An Act making an appropriation for the payment of the expenses of the committee of the House of Representatives created to make an audit inventory and investigation of the liquor store system and to investigate other facts and circumstances surrounding the liquor store system and authorizing said committee to fix the compensation of persons employed by it

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 595 (House Bill No. 1215), entitled:

An Act regulating the payment of wages or compensation for labor or service in private employments imposing certain duties upon employers conferring powers and duties upon the Department of Labor and Industry and district attorneys imposing civil and criminal penalties for violations of the act and providing for their collection and disposition and making a repeal

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. BATCHELOR. Mr. President, I move that Senate Bill No. 595 (House Bill No. 1215), the bill just read, be recommitted to the Committee on Judiciary Special.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 676 (House Bill No. 869), entitled:

An Act requiring cities of the first class to allow members of the fire departments twenty-four consecutive hours of rest in each week and fourteen days vacation each year except in emergency cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 998 (House Bill No. 1906), entitled:

An Act to amend the act approved the nineteenth day of July one thousand nine hundred thirteen (Pamphlet Laws eight hundred forty-three) entitled "An act requiring employers to make report to the Department of Labor and Industry of accidents to employees and prescribing a penalty for non-compliance therewith" by further defining the duty of employers to make reports of injuries received by their employes requiring employers to make reports of deaths resulting from injuries received by employes and prescribing a penalty for failure to do so and clarifying the provisions of the act pertaining to the evidential value of such reports

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1066 (House Bill No. 1533), entitled:

An Act empowering cities except cities of the first class boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1083 (House Bill No. 2040), entitled:

An Act to amend an act approved the fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws six hundred and eighty-one) entitled "An act authorizing the State Highway Commissioner to adopt and procure a seal for the State Highway Department and providing that certified copies of all records books papers documents and rulings of the department shall be received in evidence" by providing that the Secretary of Highways in addition to the certification fee of one dollar ($1.00) also may charge the cost of producing certified copies

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1090 (House Bill No. 2055), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers College abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments biards and commissions shall be determined" by adding to Section two thousand four hundred nine a new paragraph requiring an additional bond for labor and materials

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1091 (House Bill No. 2057), entitled:

An Act authorizing the Secretary of Highways to pay out of the Motor License Fund judgments rendered against employes of the Department for personal injuries when insurance provided by the Commonwealth for such cases has failed to furnish the required protection through insolvency of the insurance carrier and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1168 (House Bill No. 1188), entitled:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended requiring that bond be filed by certain political bodies filing nomination papers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1223 (House Bill No. 1571), entitled:

An Act to amend sections one thousand four hundred and two and two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changng the conditions of the bond of the city treasurer as tax collector and providing when liability on such bond shall cease

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1332 (House Bill No. 2037), entitled:

An Act to amend section eighteen of an act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred and seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed

within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1377 (House Bill No. 2537), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) as amended entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by authorizing insurance companies associations and exchanges to apply for and obtain insurance of mortgages and to make further investments of capital reserve and surplus funds pursuant to the National Housing Act by adding a new section.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1450 (House Bill No. 2659), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganizaton winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporatons of the second class within the provisons of ths act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying changing and clarifying certain provisions of the act including those relating to the corporate name the procedure for changing the address of the registered office of a foreign corporation the procedure of obtaining a certificate of authority the advertisement of certain corporate procedure dividends and formal actions by shareholders

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1452 (House Bill No. 2666), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State Departments of collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name the election of directors the removal of officers and agents and the procedure for changing the address of the registered office of domestic and foreign corporations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1561 (House Bill No. 2025), entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative, departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by exempting municipalities and townships from paying any license fee on their service lines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1562 (House Bill No. 2105), entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments biards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and nine providing for the preparation and furnishing by the Department of Internal Affairs to counties (except counties of the first class) cities of the third class

boroughs towns townships certain school districts and poor districts of suitable blank forms for annual budget making and financial report purposes and requiring the Department to compile comparative statistics therefrom.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1614 (House Bill No. 2106), entitled:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by the Department of Public Instruction and requiring a copy of the budget to be filed with the Department of Public Instruction.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1647 (House Bill No. 1876), entitled:

An Act to amend section one thousand two hundred and nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the setlemen assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' 'as amended providing that in certain cases where political subdivisions of the Commonwealth are delinquent in paying bills to the Department of Revenue because of unavoidable financial difficulties the interest charges shall be stricken off

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1650 (House Bill No. 2110), entitled:

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amended and consolidating the law relating to boroughs" providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1672 (House Bill No. 2600), entitled:

An Act making an appropriation to the Board of Game Commissioners for the purpose of clearing title to certain lands.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1678 (House Bill No. 2120), entitled:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making appropriations expenditures contracts and purchases by the city and its agents and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the director of accounts and finance and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1682 (House Bill No. 2104), entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 762) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1683 (House Bill No. 2107), entitled:

An Act to amend sections five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1684 (House Bill No. 2108), entitled:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the county commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1701 (House Bill No. 2711), entitled:

An Act to amend section one of the act approved the twenty-fourth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred seventy-nine) entitled "An act to fix the salary and mileage of the members of the General Assembly and to provide for the furnishing of such postage stationery and supplies as may be necessary for the conduct of their offices and repealing all acts or parts of acts inconsistent therewith" as amended increasing the compensation of members of the General Assembly

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1703 (House Bill No. 2961), entitled:

A Joint Resolution creating a commission to investigate the cause of the movement of the steel industry away from this Commonwealth to devise means to halt the same and to make a general survey of the steel industry and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1715 (House Bill No. 2319), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining and regulating fish-bait providing additional penalties for posession of fish during closed season providing in addition to certain penalties therein provided for the revocation of license of persons guilty of second offenses declaring unlawful certain methods of fishing fixing license fees for outlines providing for naturalized foreign born resident's licenses and licenses lost or destroyed providing for tourist licenses for non-residents and alien non-residents and fixing fees therefor providing for a limited number of special permits or complimentary licenses to certain unnaturalized foreign born persons and extending the right to set aside certain waters for nursery waters.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1716 (House Bill No. 2334), entitled:

An Act relating to the consolidation of poor districts having territories not co-extensive with counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1723 (House Bill No. 3025), entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act No. 90) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1724 (House Bill No. 3026), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and/or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and/or accruing during such two fiscal years defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1731 (House Bill No. 2762), entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on State Government reported as committed, eSnate Bill No. 1730 (House Bill No. 1775), entitled:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15, 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing enalties" better defining the word "club" and permitting sales by clubs on Sundays and eliminating the prohibition against the maintenance of a bar.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1730 (House Bill No. 1755), the bill just reported from committee, be recommitted to the Committee on Law and Order.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until Thursday, June 20, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 19, 1935

The House met at 11.00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Rev. C. G. Leatherman, Pastor of the Zion Lutheran Church, Hummelstown, Pa., offered the following prayer:

Heavenly Father, giver of every good and perfect gift, look in mercy upon us—suppliants today. Accept our praise and gratitude for Thy continued providence; give ear to our prayer—for we reach out empty hands each morning and Thou dost give us the sustenance of life. We lie down for rest each night and Thy protective care is about us. We fare forth each day to our tasks and Thou dost direct us and guide or make it possible that we be guided. For these we praise Thee and thank Thee. For moral and mental endowments; for cultural and spiritual knowledge we are deeply grateful; for positions of privilege, responsibility, service and honor we humbly bow our hearts in reverence.

May all Thy gifts to us be used to serve and benefit our fellowman and honor Thy Holy Name. Bless, counsel, inspire, guide the elect men of this Commonwealth assembled to legislate for this great people. Reveal to them wisdom that they may serve as unto Thee and devise such legislation as shall minister as for Thee. Endow each Assemblyman and Senator; the Speaker and the Governor with strength and grace for daily duties, so that remembering that they are the ministers of Thine in the state, they may say and do that which will meet divine approval and aid their fellow-citizens.

May the life and spirit of the Man of Galilee guide and inspire each of us to live and serve and help as friend to Him who chose to call man his friend and pardon his transgressions.

Guide us to Thee.
Inspire us by Thy Presence.
Vision before us Thy Work.
Enable us to do Thy Will.

For the honor of the Man of Galilee; for the help of the men for whom He died, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McDERMOTT, the further reading was dispensed with and the Journal approved.

MESSAGE TAKEN FROM TABLE

Mr. YOURISHIN. Mr. Speaker, I move that the message from the Senate on Senate Bill No. 19, which was laid upon the table be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives ot Senate Bills numbered and entitled as follows:

SENATE BILL No. 19.

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting hours

of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance re-issuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

Mr. YOURISHIN. Mr. Speaker, I move that the House recede from its amendments non-concurred in by the Senate which consist strike-out brackets on page 4 before the word "except" on line 27 and at the end of line 29 and on page 5 at the beginning of line 1 and at the end of line 3; also on page 11 before the word "provided" on line 17 and after the word "act" on line 22, and insist upon all other amendments made by the House.

On the question,

Will the House agree to the motion?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Ferko,	Mason,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Bocse,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brancato,	Harkins,	Ominsky,	Stone,
Brennan,	Harmuth,	O'Neill,	Stott,
Brown, H. S.,	Hart,	Panton,	Sumney,
Brown, J. E.,	Hefferon,	Parks,	Surface,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Diehl,	Linderman,	Scanlon,	Wood,
Dilley,	Long,	Schrock,	Woodside,
Downey, G. E.,	Longaker,	Schrope,	Yeakel,
Downey, J. J.,	Lovett,	Schwab,	Yourishin,
Duffort,	Lynch,	Schwartz,	Zappala,
Eberharter,	Male,	Shaw,	Zimmerman,
Erce,	Mallen,	Shepard,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the motion was agreed to.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2134

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporatons with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 4, by striking out after the word "acts" the word "is" and inserting in lieu thereof the word "are"; also by inserting after the word "follows" in line 9, the following new paragraphs:

"Section 520 Purchasers from and Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made upon terms not less favorable

to the institution than those offered to any other corporation or person and unless such purchase is made in the regular course of business or is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of an incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made upon terms not less favorable to the institution than those offered to any other corporation or person and unless such sale is made in the regular course of business or authorized by the vote of a majority of all the members of the board of directors or the board of directors or the board of trustees of an incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Ferko,	McCreary,	Shepard,
Alexander,	Finnerty,	McDermott,	Shortz,
Allen,	Fitch,	McDevitt,	Shreiner,
Altenburg,	Flanagan,	McElroy,	Shugarts,
Arnold,	Flinchbaugh,	McHenry,	Siegel,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Castor,	Holland,	Pfaff,	VanSickle,
Chervenak,	Holstrom,	Phillips,	Walker,
Coakley,	Hoopes,	Piole,	Wall,
Cochran,	Horst,	Powers,	Wasserman,
Cohen,	Jackson,	Reising,	Weidemann,
Coleman,	Jones,	Reynolds,	Weiss,
Condon,	Kelder,	Rhys,	Welliver,
Conner,	Kelso,	Rinn,	Welsh,
Cordier,	Kilroy,	Roan,	Westrick,
Davies,	Kinney,	Robinson,	White,
Decker,	Klingler,	Rooney,	Wickersham,
Denning,	Kobelak,	Root,	Winner,
Dent,	LaRue,	Ruffennach,	Witkin,
Diehl,	Linderman,	Ruth,	Wood,
Dilley,	Long,	Sarraf,	Woodside,
Downey, G. E.,	Longaker,	Scanlon,	Yeakel,
Downey, J. J.,	Lovett,	Schrock,	Yourishin,
Duffort,	Lynch,	Schrope,	Zappala,
Eberharter,	Male,	Schwab,	Zimmerman,
Eroe,	Mallen,	Schwartz,	Sarig,
Falkenstein,	Mason,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 1346.

An Act to amend the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 466.

An Act making appropriations to the Johnson Industrial School of Scranton Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 181.

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the

House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 535.

An Act making appropriations to The Glen Mills Schools situate in Delaware County Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 537.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 539.

An Act making appropriations to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 754.

An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1418.

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced. returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 170.

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or carried over from any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates

HOUSE BILL No. 2026.

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 979

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 979, entitled:

An Act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors providing for the appointment of registration commissioners for such cities and prescribing their powers and duties and the powers and duties of registrars inspectors of registration and other appointees of such commissions election officers municipal officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers and registrars of vital statistics and imposing penalties

And has appointed Messrs. Aron, Hunsicker and Pytko a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 2050.

An Act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended by permitting the county to extend aid in the payment of damages to property resulting from any widening or relocaion made with the consent of the county and also for the construction of sidewalks

HOUSE BILL No. 2053.

An Act to amend routes numbers six hundred thirty-nine and seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

HOUSE BILL No. 2380.

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

HOUSE BILL No. 2485.

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways in townships or boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with townships boroughs counties and railroad companies and making an appropriation

HOUSE BILL No. 1703.

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

HOUSE BILL No. 2139.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies sub-offices sub-agencies or branch places of business

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

The Speaker asked and obtained leave of absence for Mr. MUNLEY on account of illness of his wife.

HOUSE BILL No. 3025 MADE A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 3025, Printer's No. 1544, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act number ninety) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax

on page 14 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 12:15 o'clock P. M. today.

The motion was agreed to.

HOUSE BILL No. 3026 MADE A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 3026, Printer's No. 1545, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and/or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and/or accruing during such two fiscal years defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

on page 14 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 12:25 o'clock P. M. today.

The motion was agreed to.

RESOLUTION

RESOLUTION No. 172

Mr. EBERHARTER. Mr. Speaker, I desire to call up at this time Resolution No. 172, Printer's No. 1565.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 12, 1935.

Whereas, In the Fifteenth Ward of the City of Pittsburgh Pennsylvania there has been for many years an imperative need for additional recreational facilities by reason of its being a congested residential district peopled almost exclusively by a wage-earning class and

Whereas, The people of this section realizing this need and appreciating the fact that proper supervision of the activities of children and healthful recreation will tend to improve the children's morals as well as their health and thus give the promise of a cleaner and more wholesome citizenship in the years to come have repeatedly petitioned the Mayor and the Council of the City of Pittsburgh Pennsylvania to construct a swimming pool in their neighborhood and

Whereas It now appears that a majority of the Council of said City are convinced that this section should have a swimming pool and

Whereas The reason that such a swimming pool has not been constructed is because of the lack of funds and

Whereas The Congress of the United States by a recent Act gave to the President of the United States the power and administration of expending Four Billions Eight Hundred Million Dollars for public improvements as a means of alleviating unemployment and

Whereas It is believed that the construction of a swimming pool in the Fifteenth Ward of the City of Pittsburgh Pennsylvania would come within the purposes and intent of the Act of Congress providing for this huge expenditure of public funds therefore be it

Resolved That the Mayor and the council of the City of Pittsburgh Pennsylvania are hereby requested to petition the President of the United States to allocate out of the Four Billions Eight Hundred Million Dollars a sum sufficient for the construction of a swimming pool in the Fifteenth Ward of the City of Pittsburgh Pennsylvania and be it further

Resolved That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to the Mayor and the Council of the City of Pittsburgh Pennsylvania

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION

ASSEMBLY TO RECONVENE IN SEPTEMBER

Mr. ANDREWS. Mr. Speaker and members of the House, for the information of the House I want to state that tomorrow after the morning session I will endeavor to introduce the following resolution:

"Resolved. (if the Senate concur), that when the House of Representatives adjourns on Friday, June 21, 1935, it reconvene on the first Monday of September, 1935, at 12 o'clock noon, and when the Senate adjourns on Friday, June 21, 1935, it reconvene on the first Monday of September, 1935, at 12 o'clock noon."

Resolved, That Concurrent Resolution, House Serial No. 235, which provides that this session of the General Assembly adjourns sine die, Friday, June 21, 1935, at 12 o'clock noon, be rescinded."

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Turner, rise?

Mr. TURNER. Mr. Speaker, the purpose will be evident in a moment, for the purpose of making a statement. I do not ask for unanimous consent.

Mr. Speaker and members of the House, I feel that in view of the apparent assent of the House in the resolution which the gentleman from Cambria says he is going to introduce, that we might as well save him the time of waiting until tomorrow and dispose of the resolution right now, and I, therefore, ask that unanimous consent be given to the gentleman from Cambria to introduce his resolution now, and that a vote be taken upon it immediately.

Mr. ANDREWS asked and obtained unanimous consent to offer a resolution which was read by the Clerk as follows:

In the House of Representatives, June 19, 1935.

Resolved, (if the Senate concur), That when the House of Representatives adjourn on Friday, June 21st, 1935, it reconvene on the first Monday of September, 1935, at 12 o'clock noon, and when the Senate adjourn on Friday, June 21st, 1935, it reconvene on the first Monday of September, 1935, at 12 o'clock noon; and be it further

Resolved, That Concurrent Resolution, House Serial No. 235, which provides that this Session of the General Assembly adjourn sine die, Friday, June 21st, 1935, at 12 o'clock noon, be rescinded.

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker and members of the House, the reason I desired to give notice to the House was that there might be a period for consultation with the spokesmen for the Administration and for consultation between the majority and the minority leaders. The House has elected to pass upon this matter without consultation, and, therefore, very briefly I will submit the reason why I offered the resolution.

First of all, we will adjourn, knowing that we must come back into this House for another session. Everybody knows that. We also know that by the first of September there will be a number of measures in the same position as the document tax, and measures that will have to be cured of inherent infirmities inflicted upon them as a result of the hurry with which the House passed legislation.

We also know that within two months the financial situation will have cleared and it will be possible to view the tax necessities of the Commonwealth from some position of sanity.

You may jeer at the resolution, you may laugh at the resolution, but when you defeat it you will inflict upon this State two hundred thousand dollars of unnecessary expense.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to say anything because I thought that the unofficial vote previously taken was so overwhelming that there wouldn't be any use of my saying anything but because of the very serious argument made by my friend from Cambria, Mr. Andrews, I think I should answer him in one or two points.

In the first place, the financial situation, I think, has been very materially clarified as far as the State is concerned by the opinion that was put upon the desks of the members the other day, that we could borrow temporarily moneys anticipating taxes, and that under a court decision the moneys so borrowed would not be considered as a debt. Therefore, if we can borrow up to twenty-five or thirty million dollars, instead of fifty million dollars as was suggested,—if we can borrow up to twenty-five or thirty million dollars in the first nine months of the next biennium, the budget is balanced and the whole fiscal problem of the Commonwealth at the present time is settled. What it may be a year hence I am unable to state because we do not know what the unemployment situation will be. Therefore, there is no need for the Legislature to continue in session and I do not think that the people want the Legislature to come back here in September. I think they have had enough of us within the last five or six months.

My colleague from Somerset, Mr. Schrock, showed me an editorial by Will Rogers yesterday. I am sorry he lost it and I am sorry I cannot remember the exact words, but he was expressing the belief that the people of California

were thankful that California had gotten rid of the Legislature of its State and he said that if down in Washington they would only do the same thing that the people of the country would be better satisfied.

I was talking to some of the newspaper correspondents, legislative correspondents, men who observe the proceedings here day in and day out, and they certainly know something about public opinion and they are all unanimous in their opinion that the people of Pennsylvania want the Legislature to quit and go home. What the people of this Commonwealth want of the State Legislature is to be left alone, and we will go back on the road to recovery. Let us not do anything to extend this session or any other session. If we have to have a special session. let us meet it.

On the question recurring,

Will the House adopt the resolution?

It was not adopted.

RESOLUTION

RECALLING HOUSE BILL No. 1886 FROM THE GOVERNOR

Mr. SOWERS offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 19, 1935.

Resolved (if the Senate concur) that House Bill No. 1886, Printer's No. 1300, entitled "An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying one of such persons", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

APPROPRIATION BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3008 (Senate Bill No. 1598), as follows:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as the funds provided by the General Appropriation Act become available

Whereas under the Constitution and the laws of this Commonwealth the State Treasurer may not pay out any moneys unless they be specifically appropriated by Act of the General Assembly and

Whereas the laws of this Commonwealth provide that State officers and employes shall be paid semi-monthly on the first and fifteenth days of each month

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That the sum of two million dollars ($2,000,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the State Treasurer of the Commonwealth of Pennsylvania for the purpose of paying the salaries of the officers and employes of the executive and legislative branches of the State government in the interim between the thirty-first day of May one thousand nine hundred thirty-five and such time as moneys appropriated by the General Appropriation Act of one thousand nine hundred thirty-five may become available for such purposes

Section 2 Payments out of the appropriation of this act shall be made by the State Treasurer upon requisitions by the several departments board commissions or officers in the same manner as payments of salaries are ordinarily made

Section 3 All amounts paid by the State Treasurer in accordance with this act shall be charged against the appropriations made for the salaries of the officers and employes of the executive and legislative departments in the General Appropriation Act of one thousand nine hundred thirty-five

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2890 (Senate Bill No. 1345) as follows:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of erecting a monument or memorial commemorating the valiant services of Brigadier General Casimir Pulaski during the war for independence and his heroic death at the siege of Savannah Georgia This appropriation is made contingent upon the raising by the citizens of the Commonwealth of Pennsylvania and vicinity the sum of at least ten thousand dollars ($10,000) to be applied to the cost of the construction erection and dedication of said monument and no part of said appropriation shall be paid until proof has been produced to the satisfaction of the Auditor General that said sum of ten thousand dollars ($10,000) is available for said purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3016 (Senate Bill No. 1398), entitled

An Act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2088 (Senate Bill No. 705), entitled

An Act making an appropriation to the Department of Public Instruction to aid financially distressed school districts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2969 (Senate Bill No. 456), entitled

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyances of such property" extending provisions of said act to devisees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2862 (Senate Bill No. 457), entitled

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support of maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3015 (Senate Bill No. 1242), entitled

An Act to amend section four of the act approved the twenty-second day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand ninety-three) entitled "An act creating in counties having a population of from eight hundred thousand to one million five hundred thousand a board for the assessment and revision of taxes providing for the appointment of the members of such board by the county commissioners fixing their salaries payable by the county defining the powers and duties of such board and regulating the assessment of property and occupations for State and county purposes authorizing the appointment of subordinate assessors and clerks defining their duties and providing for their compensation payable to such counties imposing a penalty on subordinate assessors for failure to comply with certain provisions of this act and abolishing the office of ward borough and township assessor in so far as respects the assessment of property and occupations for State and county purposes" providing that the Board of Assessors of cities of the second class shall for the year one thousand nine hundred and thirty-six and subsequent years furnish annually to the Board for the Assessment and Revision of Taxes of said counties a properly certified duplicate of the last adjusted valuation of all real property taxable for county purposes within the territorial limits of said cities and further providing that in the appontment of subordinate county assessors only such assessors shall be appointed to serve within the territorial limits of second class cities as may be necessary for the assessment of personal property and machinery

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3006 (Senate Bill No. 1483), entitled

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May one thousand nine hundred twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2818 (Senate Bill No. 165), entitled

An Act to amend section three hundred and ten of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by providing for the revocation and denial of hunting licenses for certain acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON HOUSE BILL No. 2077

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this time, House Bill No. 2077, Senate Bill No. 222, Printer's No. 555.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2077 (Senate Bill No. 222), entitled

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revising of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

On the question,
Will the House agree to the bill on third reading?
It was agreed to,
On the question,
Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, I rise to oppose Senate Bill No. 222, House Bill 2077, for the following reasons:

This bill is supposedly an economic measure for the county of Allegheny. It will undo the various assessors and various departments in the various towns and townships and one second class city.

We of the city of Pittsburgh feel that our department of assessors should not be taken away from us and that the city of Pittsburgh should continue to have its own assessment at the present time, for various reasons.

In the first place, in this bill they purport to save at least $90,000. We can save the citizens of Allegheny county $450,000 instead by supporting the McGinnis bill, Senate Bill No. 1242, which is now on the second reading calendar.

We substantiate the above mentioned $450,000 in the following manner:

The cost to Allegheny county for 1934 to assess all real estate property taxable in the city of Pittsburgh was $521,737.

To be deducted from that is the approximate cost to assess the personal property and the approximate cost to assess the machinery which amounted to $60,000.

The cost to Allegheny county to assess real estate only in the city of Pittsburgh is the difference or $461,737.

The cost to Allegheny county if the city furnishes to the county the assessments for tax purposes would be between $10,000 and $15,000. In other words, instead of taking away the city department the city can turn over its books to the county as the city now does for the school board and there will be a saving to the taxpayers of $461,737.

We come now to the personnel of the Allegheny county board.

The number of assessors, including the seven members of the Board for the Assessment and revision of taxes, employed full time by the County of Allegheny is 157.

The number of stenographers and clerks employed full time is 158.

The total personnel employed by Allegheny County full time is 315.

The number of special assessors employed 3 months at $5.00 per day is 105, or an average of 26 at full time.

The total average personnel employed by Allegheny County at full time is 341.

The above personnel is not protected by civil service.

The total expenditure for the salaries of the above Allegheny County Board for the assessment and revision of taxes on real estate and other taxables in 1934 was $732,309.01.

We now come to the personnel of the department of the Assessor in the city of Pittsburgh.

The number of stenographers and clerks employed full time is 27.

The number of assessors employed full time is 11.

The total personnel of the Department of Assessors employed full time, of which number 24 have civil service protection, is 38.

The total expenditure for the salaries for the Department of Assessors of the City of Pittsburgh personnel in 1934 was $95,219.36. The ratio of the personnel of the two bodies is 9 to 1. The ratio of salary expenditures of the two bodies is approximately 7½ to 1.

The total expenditure of Allegheny County for the Assessment and revision of taxes for 1934 was $841,511.29.

The total expenditure of the Department of Assessors of the city of Pittsburgh for 1934 was $104,468.82.

I am thoroughly sure that this gives you an idea of how very expensive the county of Allegheny's board has been.

There is also some difference between the county and the city assessment values. We do not know what the new board is going to do. If they accept the county, we of the city of Pittsburgh will lose close to $150,000,000 worth of various assessments. If they accept the city, which is unlikely, we still don't know what it is going to suffer.

Back in Pittsburgh we had a meeting some time ago. We had an open hearing and the school board represented by its counsel protested to such a system. They too fear that the school board and the city of Pittsburgh will lose by this new county board.

I therefore ask the members of the House to vote down Senate Bill 222 and await until the McGinnis Bill No. 1242 is on third reading tomorrow and pass that.

Mr. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Allegheny Mr. Tronzo.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. TRONZO. I will, Mr. Speaker.

Mr. WEISS. Mr. Speaker, does the gentleman from Allegheny Mr. Tronzo, think that the interests of the taxpayers will be best served by maintaining the present system of two separate boards for the assessment and revision of taxes in the city of Pittsburgh and county of Allegheny.

Mr. TRONZO. Mr. Speaker, there are times when two boards can prove rather economical. In this particular case, I believe that the two boards would save the city and county hundreds of thousands of dollars. The city board has been under civil service for several years and has proven itself efficient at a very low cost to the city of Pittsburgh. Under this bill we just don't know what it it going to cost the city of Pittsburgh and if we judge from the past we feel it is going to be much more expensive than the present county board.

Mr. WEISS. Mr. Speaker, isn't the city of Pittsburgh protected by the present Coyne bill regarding their assessments?

Mr. TRONZO. Mr. Speaker, that I don't know. We do not know whether that protection can be carried out under a single board.

Mr. WEISS. Mr. Speaker, isn't the present Coyne bill, No. 222, identical with House Bill No. 871, which passed this House on April 1, 1935?

Mr. TRONZO. Mr. Speaker, I can answer that by saying that I don't know.

Mr. WEISS. Mr. Speaker, didn't the gentleman vote "aye" on House Bill No. 871 on April first?

Mr. TRONZO. Mr. Speaker, I cannot answer that either.

Mr. WEISS. Mr. Speaker, didn't the gentleman from Allegheny, Mr. Tronzo, vote "aye" on House Bill No. 993, which consolidated the Board of Assessment and Revision of taxes in the city of Scranton?

Mr. TRONZO. Mr. Speaker, I do not know. I would have to check; I don't remember.

Mr. WEISS. Mr. Speaker and members of the House, the first time I rose to my feet on the floor of this House in the early part of this session, I advocated governmental economy in the conduct of its business and I think that this Senate bill is a step in that direction. It is almost identical with House Bill No. 871 which passed this House by a vote of 129 to 60 on April 1, 1935. I might say for the benefit of the members of the House, that the gentleman from Allegheny, Mr. Tronzo, according to the Legislative Journal voted "aye" on House Bill No. 871. The only difference between that bill and Senate Bill No. 222 is that Senate Bill No. 222 originally created a Board of nine and the salary was seven thousand dollars. In consultation with the sponsor of that bill, Senator Coyne, he agreed to insert the amendments of my bill in Senate Bill No. 222. Further than that, there was another amendment from Allegheny, which provides as follows on page eight and nine; where it says:

"The council of any city may in order to preserve the basis of valuation upon which taxes in such city have heretofore been levied and upon which the indebtedness of such city has been incurred or increased uniformly increase the valuation of all property in such city as certified to it by the board of assessment and revision of taxes by a fraction of such valuation to be determined by such council Provided That such council shall in no case increase any such valuations to an amount in excess of the actual fair value of the property in such city."

Mr. Tronzo well knows that that fully and amply protects the bonding power and protects the city of Pittsburgh.

I might say to the members of this House, and I speak for the majority of the members from Allegheny County, when I say it, when a hearing was held by the Legislative Committee in the city of Pittsburgh, the following organizations appeared in favor of this Bill:

Allegheny County Real Estate Board

Allegheny County Real Estate Owners and Taxpayers Leagues

Allied Board of Trades

Women's Council of Allegheny County

Allegheny County League of Women Voters

Nashville Economy League

Pittsburgh Building Owners and Managers' Association

Professor Marion K. McKay of the University of Pittsburgh, one of the men appointed by the Governor two years ago to study the economic conditions of this Commonwealth

The Tax Justice League of Pennsylvania

The Pittsburgh Real Estate Board

The only persons who appeared in opposition to this bill were the city officials of the city of Pittsburgh and a few of their friends. I say to the members of the House that I do not care whether this is a Republican bill or a Democrat bill because it bears Republican sponsorship, and in view of the pledges we have made for governmental economy, I ask you to vote "aye" on this bill.

Mr. TRONZO. Mr. Speaker and members of the House, I can answer the gentleman by saying I presumed the fact that I voted for the Scranton bill, but the circumstances there were probably different.

The following are the taxes levied on the assessed valuations of each respective body for the City of Pittsburgh area:

County Real Estate Taxes in the City, ...$9,040,083.26

County Personal Property Taxes in the City, 1,557,646.76

In other words, the county's total taxes in the City of Pittsburgh were $10,577,730.02

Total City and School Taxes on Real Estate 31,051,501.93

The ratio of taxes levied in the city of Pittsburgh (both real estate and personal property) is as follows:

County of Allegheny 1 City of Pittsburgh 3 which is a ratio of 3 to 1.

The cost to assess real estate by the Allegheny County Board of Assessors in order to levy $10,577,730.02 of taxes in the City of Pittsburgh is $521,737.00, or it costs the taxpayers a little more than 5c of every dollar of tax levied to just assess the properties.

The cost to assess real estate by the City Board of Assessors in order to levy $31,051,501.93 of taxes in the City of Pittsburgh is $104,468.82

In other words, it costs the taxpayers a little more than three-tenths of one one cent of every dollars of tax levied to just assess the properties.

The County of Allegheny employs approximately two hundred persons at a cost of $521,737 to assess for a levy of $10,577,730.02 in the City of Pittsburgh area of the County.

The City of Pittsburgh employs thirty-eight persons at a cost of $104,468.82 to assess for a levy of $31,051,501.93.

In other words, the City Board of Assessors is directly responsible to City Council, which is the body doing the greater amount of business and at a far less cost to the taxpayers.

I therefore, feel for these reasons that we should vote down the Coyne bill.

Mr. JAMES W. PATTERSON. Mr. Speaker and members of the House, we have had from the gentleman from Allegheny, Mr. Tronzo, a galaxy of figures, most of which I could not gather had any connection with this bill.

As a member of this House from the city of Pittsburgh I feel that I should state to you and state to you very strongly, that the city taxes will be entirely protected under the terms of the amended bill. I do not understand the action of the gentleman from Allegheny, Mr. Tronzo, in attempting to have a duplication in tax assessment, and as a member from Allegheny County and from the city of Pittsburgh I want to raise my voice to counteract his statement on the floor of this House, and I ask your support for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—141

Achterman,	Davies,	McHenry,	Shugarts,
Alexander,	Decker,	Mentzer,	Siegel,
Allen,	Dent,	Moomaw,	Simon,
Altenburg,	Downey, G. E.,	Mooney,	Simpson,
Andrews,	Downey, J. J.,	Moore,	Sinwell,

Arnold,	Duffort,	Moran,	Sloan,
Aukerman,	Eberharter,	Moul,	Smith, J. A.,
Baine,	Falkenstein,	Muir,	Smith, W. G.,
Baker, J J.,	Finnerty,	Murrin,	Snyder, F. E.,
Barber,	Flanagan,	Nothnagle,	Snyder, J. L.,
Blumberg,	Flynn,	O'Keefe,	Spangler,
Boose,	Furman,	Ominsky,	Sproul,
Boyd, R.,	Gates,	O'Neill,	Stank,
Boyer,	Gerard,	Panton,	Stevens,
Bradley,	Habbyshaw,	Patterson, C.,	Stewart,
Brancato,	Haberlen,	Patterson, J. W.,	Stockham,
Brennan,	Hagerty,	Pearson,	Stone,
Brown, H. S.,	Haluska,	Pfaff,	Sumney,
Brown, J. E.,	Harkins,	Phillips,	Terry,
Brownfield,	Harmuth,	Piole,	Trout,
Brumbaugh,	Hoffner,	Powers,	Tumelty,
Burke,	Holland,	Reising,	Turner,
Cannon,	Jones,	Reynolds,	Van Allsburg,
Caputo,	Kelso,	Rhys,	Walker,
Carr,	Kilroy,	Rinn,	Wall,
Carson,	Kinney,	Roan,	Wasserman,
Castor,	Klingler,	Root,	Weiss,
Chervenak,	Kobelak,	Ruffennach,	Westrick,
Coakley,	Longaker,	Ruth,	Wickersham,
Cochran,	Lovett,	Sarraf,	Winner,
Cohen,	Male,	Scanlon,	Witkin,
Coleman,	Mallen,	Shaw,	Woodside,
Condon,	McCreary,	Shepard,	Yourishin,
Conner,	McDermott,	Shortz,	Zimmerman,
Coolahan,	McDevitt,	Shreiner,	Sarig,
Cordier,			

NAYS—3

Hirsch,	McElroy,	Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SPECIAL ORDER ON HOUSE BILL No. 3025

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this hour, being House Bill No. 3025, Printer's No. 1544.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3025, entitled:

An Act to amend the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Act Number ninety) entitled "An act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties" by further defining taxable documents and persons associations and corporations subject to pay the tax

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Male,	Shepard,
Alexander,	Falkenstein,	Mallen,	Shortz,
Allen,	Ferko,	Mason,	Shugarts,
Altenburg,	Finnerty,	McCreary,	Siegel,
Andrews,	Fitch,	McDermott,	Simon,
Arnold,	Flanagan,	McDevitt,	Simpson,
Atkins,	Flinchbaugh,	McElroy,	Sinwell,
Aukerman,	Flynn,	McHenry,	Sloan,
Baine,	Forrest,	McKinney,	Smith, J. A.,
Baker, J J.,	Furman,	Melchiorre,	Smith, W. G.,
Baldt,	Gates,	Mentzer,	Snyder, F. E.,
Barber,	Gerard,	Merrell,	Snyder, J. L.,
Barnhardt,	Gillette,	Moomaw,	Spangler,
Bernhard,	Green,	Mooney,	Sproul,
Blumberg,	Greenstein,	Moran,	Stank,
Boose,	Habbyshaw,	Moul,	Stevens,
Boyd, R.,	Haberlen,	Murrin,	Stewart,
Boyer,	Hagerty,	Nagel,	Stockham,
Bradley,	Haluska,	Nothnagle,	Stone,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stott,
Brennan,	Hamilton, R. S.,	Ominsky,	Sumney,
Brown, H. S.,	Harkins,	O'Neill,	Surface,
Brown, J. E.,	Harmuth,	Panton,	Tahl,
Brownfield,	Hart,	Parks,	Terry,
Brumbaugh,	Hartman,	Patterson, C.,	Tronzo,
Burke,	Hefferon,	Patterson, J. W.,	Trout,
Cannon,	Hermansen,	Pearson,	Tumelty,
Caputo,	Hetrick,	Perry,	Turner,
Carr,	Hindman,	Peters,	Van Allsburg,
Carson,	Hirsch,	Pfaff,	Van Sickle,
Castor,	Hoffner,	Phillips,	Walker,
Chervenak,	Holland,	Piole,	Wall,
Coakley,	Holstrom,	Powers,	Wasserman,
Cochran,	Hoopes,	Reising,	Weidemann,
Cohen,	Horst,	Reynolds,	Weiss,
Coleman,	Jackson,	Rhys,	Welliver,
Condon,	Jones,	Rinn,	Welsh,
Conner,	Kane,	Roan,	Westrick,
Coolahan,	Kelder,	Robinson,	White,
Cordier,	Kelso,	Rooney,	Wickersham,
Davies,	Kilroy,	Root,	Winner,
Decker,	Kinney,	Ruffennach,	Witkin,
Denning,	Klingler,	Ruth,	Wood,
Dent,	Kobelak,	Sarraf,	Woodside,
Diehl,	LaRue,	Scanlon,	Yeakel,
Dilley,	Linderman,	Schrope,	Yourishin,
Downey, G. E.,	Long,	Schwab,	Zappala,
Downey, J. J.,	Longaker,	Schwartz,	Zimmerman
Duffort,	Lovett,	Shaw,	Sarig,
Eberharter,	Lynch,		

NAYS—5

Moore,	Schrock,	Shreiner,	Sowers,
Muir,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON HOUSE BILL No. 3026

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this hour, being House Bill No. 3026, Printer's No. 1545.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3026, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and or other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-five evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and or accruing during such two fiscal years; defining the powers and duties of the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Falkenstein,	Mallen,	Shaw,
Alexander,	Ferko,	Mason,	Shepard,
Allen,	Finnerty,	McCreary,	Shortz,
Andrews,	Fitch,	McDermott,	Shreiner,
Arnold,	Flanagan,	McDevitt,	Shugarts,
Atkins,	Flinchbaugh,	McElroy,	Siegel,
Aukerman,	Flynn,	McHenry,	Simon,
Baine,	Forrest,	McKinney,	Simpson,
Baker, J. J.,	Furman,	Melchiorre,	Sinwell,
Baldi,	Gates,	Mentzer,	Sloan,
Barber,	Gerard,	Merrell,	Smith, J. A.,
Barnhardt,	Gillette,	Moomaw,	Smith, W. G.,
Bernhard,	Green,	Mooney,	Snyder, F. E.,
Blumberg,	Greenstein,	Moore,	Snyder, J. L.,
Boose,	Habbyshaw,	Moran,	Spangler,
Boyd, R.,	Haberlen,	Moul,	Sproul,
Boyer,	Hagerty,	Muir,	Stank,
Bradley,	Haluska,	Murrin,	Steven-
Brancato,	Hamilton, F. P.,	Nagel,	Stewart,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brown, H. S.,	Harkins,	O'Keefe,	Stone,
Brown, J. E.,	Harmuth,	Ominsky,	Stott,
Brownfield,	Hart,	O'Neill,	Sumney,
Brumbaugh,	Hartman,	Panton,	Surface
Burke,	Hefferon,	Parks,	Tahl,
Cannon,	Hermansen,	Patterson, C.,	Terry,
Caputo,	Hetrick,	Patterson, J. W.,	Tronzo,
Carr,	Hindman,	Pearson,	Trout,
Carson,	Hirsch,	Perry,	Tumelty,
Castor,	Hoffner,	Peters,	Turner,
Chervenak,	Holland,	Pfaff,	VanAllsburg,
Coakley,	Holstrom,	Phillips,	VanSickle,
Cochran,	Hoopes,	Piole,	Walker,
Cohen,	Horst,	Powers,	Wasserman,
Coleman,	Jackson,	Reising,	Weidemann,
Condon,	Jones,	Reynolds,	Weiss,
Conner,	Kane,	Rhys,	Welliver,
Coolahan,	Kelder,	Rinn,	Welsh,
Cordier,	Kelso,	Roan,	Westrick,
Davies,	Kilroy,	Robinson,	White,
Decker,	Kinney,	Rooney,	Wickersham,
Denning,	Klingler,	Root,	Winner,
Dent,	Kobelak,	Ruffennach,	Witkin,
Diehl,	LaRue,	Ruth,	Wood,
Dilley,	Linderman,	Sarraf,	Woodside,
Downey, G. E.,	Long,	Scanlon,	Yeakel,
Downey, J. J.,	Longaker,	Schrock,	Yourishin,
Duffort,	Lovett,	Schrope,	Zappala,
Eberharter,	Lynch,	Schwab,	Zimmerman,
Eroe,	Male,	Schwartz,	Sarig,

NAYS—3

Altenburg,	Sowers,	Wall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

HOUSE BILL No. 3032 MADE A SPECIAL ORDER

Mr. FURMAN. Mr. Speaker, I move that House Bill No. 3032, Printer's No. 1543, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for the rights of the holders thereof

on page 14 of today's calendar, bills on third reading be made a special order of business on third reading and final passage at 12:31 o'clock P. M. today.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL No. 3032

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this hour, being House Bill No. 3032, Printer's No. 1543.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3032, entitled:

An Act authorizing counties cities towns boroughs and townships to acquire construct reconstruct improve better and extend revenue-producing undertakings to maintain and operate the same and to prescribe revise and collect rates fees tolls and charges for the services facilities and commodities furnished thereby and in anticipation of the collection of the revenues thereof to issue certificates payable solely from such revenues regulating the issuance of such certificates and providing for their payment and for rights of the holders thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1459. (HOUSE BILL No. 3039).

An Act to re-enact and amend the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by extending said act to members and employes of volunteer fire companies increasing compensation rates and benefits increasing medical and hospital benefits making changes in the definition of "wages" providing compensation for accidents arising out of and in the course of employment regulating proof in hernia cases further defining dependency as to widows extending the time for the commencement of proceedings to recover compensation in certain cases providing for autopsies in cases of death from injury providing and further regulating the review modification reinstatement suspension and termination of original and supplemental agreements and awards requiring employers to pay the compensation of physicians surgeons and experts appointed by the board or referees to make examinations providing that final receipts for compensation shall be conclusive after two years further defining the jurisdiction and powers of the referees board and courts of common pleas and repealing section four hundred and twenty-six of said act.

Referred to the Committee on Labor.

SENATE BILL No. 1516. (HOUSE BILL No. 3040).

An Act for the protection of producers of farm produce providing for the licensing and regulation of certain individuals and entities receiving selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

Referred to the Committee on Agriculture.

SENATE BILL No. 1636. (HOUSE BILL No. 3041).

An Act making an appropriation for the payment of the salaries of Members of the Senate and House of Representatives elected to fill vacancies happening during the Session of the General Assembly of one thousand nine hundred and thirty-five.

Referred to the Committee on Appropriations.

SENATE BILL No. 180. (HOUSE BILL No. 3042).

An Act making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties.

Referred to the Committee on Public Utilities.

SENATE BILL No. 1518. (HOUSE BILL No. 3043).

An Act to amend section one of the act approved the twenty-third day of April one thousand nine hundred and nine (Pamphlet Laws one hundred fifty-nine) entitled "An act prohibiting the buying having or receiving of stolen property in the Commonwealth of Pennsylvania and providing for the punishment thereof" by extending said act to cases where the defendant had reasonable cause to know such property was stolen or feloniously taken and refuses on demand to return the same to the lawful owner.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1527. (HOUSE BILL No. 1044).

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith.

Referred to Committee on Judiciary General.

SENATE BILL No. 1599. (HOUSE BILL No. 3045).

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 1621. (HOUSE BILL No. 3046).

An Act to further amend the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees.

Referred to the Committee on State Government.

SENATE BILL No. 91. (HOUSE BILL No. 3047).

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by adding section two hundred and fifty-nine defining the power of the Board of Fish Commissioners to prohibit fishing at night time for trout or in streams containing trout.

Referred to the Committee on Fisheries

SENATE BILL No. 1240. (HOUSE BILL No. 3048).

An Act making an appropriation to the Alpha Fire Company Incorporated for the protection of the property of the Pennsylvania State College.

Referred to the Committee on Appropriations.

SENATE BILL No. 1290. (HOUSE BILL No. 3049).

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of.

Referred to the Committee on Counties.

SENATE BILL No. 1143. (HOUSE BILL No. 3050).

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week except in emergency cases.

Referred to the Committee on Cities.

SENATE BILL No. 1585. (HOUSE BILL No. 2051).

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws six) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Referred to the Committee on Appropriations.

SENATE BILL No. 1586. (HOUSE BILL No. 3052).

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws seven) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Referred to the Committee on Appropriations.

SENATE BILL No. 1587. (HOUSE BILL No. 3053).

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws eight) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Referred to the Committee on Appropriations.

SENATE BILL No. 1589. (HOUSE BILL No. 3054).

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (Appropriation Acts Act Number one-A) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 1591. (HOUSE BILL No. 3055).

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number nine-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 1592. (HOUSE BILL No. 3056).

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Number twelve-A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 1593. (HOUSE BILL No. 3057).

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number eleven-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 1594. (HOUSE BILL No. 3058).

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number ten-A) entitled "An Act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

Referred to the Committee on Appropriations.

SENATE BILL No. 1595. (HOUSE BILL No. 3059).

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws five) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

Referred to the Committee on Appropriations.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2888 (Senate Bill No. 1298), as follows,

An Act prohibiting any one engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no official or employe of the State Emergency Relief Board or other person who is connected in any way with the distribution of Federal or State moneys or both in this Commonwealth for relief purposes either as direct relief or otherwise shall hereafter by the offer or suggestion of anything of value or by threats or intimidation endeavor to influence any person in this Commonwealth who is a recipient of Federal or State Relief moneys or both in the casting of his or her vote at any primary general or municipal election.

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in a court of quarter sessions shall be sentenced to pay a fine of not more than one thousand dollars or undergo imprisonment for a term of not more than three years or both

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2920 (Senate Bill No. 1381), entitled

An Act to amend section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court the action shall be ratified confirmed and made valid preserving tax liens in such cases and providing for the fixing of dates for tax sales in such cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2868 (Senate Bill No. 1140), entitled

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by limiting the time within which applications therefore may be made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3023 (Senate Bill No. 1469), entitled

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the poor and/or the county commissioners in the several counties and providing penalties

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That the following terms as used in this act shall unless the context indicates otherwise have the following meanings

(a) The word "burial" shall be considered to include the care preparation and disposition of the bodies of deceased persons from the time of death through actual interment including simple funeral services and shall include the following Casket and if requested by claimant an outside wooden box clothing embalming hearse and one automobile grave including opening and closing thereof

(b) The word "indigent" shall have reference to any deceased person whose estate together with the estate of a relative or friend if any who claims the body of such person is insufficient to defray reasonable burial expenses

(c) The word "relative" shall include any person related to an indigent deceased by blood or marriage not more remote than grandparents and grandchildren brothers or sisters-in-law and first cousins

(d) The words "County Commissioners" shall include the County Commissioners individually or their agents duly authorized to perform the duties prescribed by this Act

(e) The word "claimant" shall include any person or social agency entitled under Section 2 to make request for burial at public expense

(f) The words "funeral director" shall include any individual partnership corporation or unincorporated association engaged in the business or profession of funeral directing undertaking or the care embalming disposition or burial of the bodies of deceased persons whether such person shall use the title of "Undertaker" "Undertaker and Embalmer" "Embalmer" "Funeral Director" "Mortician" or other term of similar import

On the question,

Will the House agree to the section?

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 2, line 2, by inserting after the word "thereof" the following: "and a suitable marker on said grave with copper plate affixed thereto containing name of deceased and dates of birth or death if known"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 (a) that in case of the death within this Commonwealth of any individual whose estate is shown upon reasonable investigation to be insufficient to defray reasonable burial expenses any relative or friend of such deceased person or any social agency may without cost to himself within thirty-six hours after death claim the body of such person from any institution private or public or from any public officer including agents of the Anatomical Board in whose possession the body may be

(b) Where any such claim is made the claimant may request from the Directors of the Poor of the poor district in which the deceased has died in counties where such officers exist and in other counties from the County Commissioners a burial at public expense It shall thereupon become the duty of the Directors of the Poor or the County Commissioners as the case may be upon whom such demand has been made to make a reasonable investigation into the financial status of the deceased and of the claimant A report from a recognized social agency and an affidavit by the claimant as to financial condition shall be deemed a sufficient investigation If it appears that the estates of the deceased and the claimant are unable to bear the expense of burial and that the claim is made in good faith then the request so made for burial at public expense shall be granted upon the terms and conditions hereinafter set forth

(c) The provisions of paragraph (b) of this section shall also be applicable where by virtue of the indigent deceased having died at his home or other private place no claim pursuant to paragraph (a) of this section is necessary provided a person who would be entitled to make such claim makes due request of the Directors of the Poor or the County Commissioners as the case may be for a burial at public expense

The third section was read as follows:

Section 3 (a) Where any deceased person is entitled to burial at public expense by virtue of having been claimed by a relative pursuant to Section 2 hereof such relative claimant shall have opportunity to select a funeral director of his own choosing who shall be employed by the Directors of the Poor or by the County Commissioners as the case may be

(b) Where no selection of a funeral director is made by a relative claimant pursuant to the preceding paragraph and in cases where a body has been claimed by a friend of the deceased or by social agency and in case of indigent death where there is no claimant including instances where bodies shall have been rejected by the Anatomical Board the Directors of the Poor or the County Commissioners shall themselves select and employ a funeral director in accordance with the following procedure

(1) All Directors of the Poor and in counties where they do not exist the County Commissioners shall annually procure from the State Board of Undertakers a certified list of licensed funeral directors within their respective districts

(2) If the residence of the deceased as stated in his death certificate shall have been in the county where the claim is made then the funeral director shall be the one whose place of business is in closest proximity to the former residence of the deceased

(3) If the residence of the deceased shall have been outside the county where the claim is made or is unknown or if the deceased shall have died in a hospital or public institution without other known residence within the county where the claim is made then the funeral director shall be selected by rotation from said certified list Any other situations with reference to residence which may arise shall be governed by regulations prescribed by the Department of Health

(4) In selecting funeral directors under the provisions of this section the Directors of the Poor or the County Commissioners shall give preference so far as possible to funeral directors of the same race as the deceased

On the question,

Will the House agree to the section?

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 3, page 5, line 6 by striking out the words "other situations" and insert in lieu thereof "situation"

Amend sec. 3, page 5, line 6, by inserting after the word "residence" the following: "or other matters"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were separately read and agreed to as follows:

Section 4 In all cases of burial at public expense of indigents as required by this or any other act or acts the expense of such burial shall be borne by the county where the deceased shall have been buried and shall be the sum of $75.00 for the body of any person over ten years of age the sum of $50.00 for the body of any person between the age of one and ten years and the sum of $30.00 for each stillborn infant or infant up to one year of age In cases where by virtue of no claim for a body having been made there is no funeral service the sums payable by the county shall be $15.00 less in each of the classes above enumerated

Section 5 It shall be the duty of every funeral director licensed by this Commonwealth properly to conduct the arrangements for burial of any body or bodies which may be assigned to him under the provisions of this Act

The sixth section was read as follows:

Section 6 Each funeral director who conducts a burial under the provisions of this Act shall submit his bill to the Directors of the Poor or the County Commissioners as the case may be and shall attach thereto an affidavit executed by him stating the name and age if known of the deceased the date of death and date of burial name of claimant if any whether or not funeral services were held that the affiant has conducted the burial pursuant to the specifications prescribed in Section 1 (b) of this Act and that he has not made or collected any fees or charges from any individual or in any manner and amount whatever on account of said burial

On the question,

Will the House agree to the section?

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 6, page 6, line 9, by striking out the letter "(b)" and insert in lieu thereof "(a)"

Amend sec. 6, page 6, line 12, by inserting after the word "burial" the following: "as specified herein"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read as follows:

Section 7 It shall be unlawful for any funeral director who conducts a burial pursuant to the terms of this Act to make or collect any fees or charges from any private individual or in any manner and amount other than is provided for in this Act Violation of this provision shall be a misdemeanor and punishable by a fine of not more than $1,000.00 or imprisonment not exceeding one year or both

On the question,

Will the House agree to the section?

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 7, page 6, line 17, by inserting after the word "Act" the following: "for the funeral services specified in section 1 (c)"

Amend sec. 7, page 6, line 19, by striking out the figures "($1,000.00)" and insert in lieu thereof "($100.00)"

Amend sec. 7, page 6, line 20, by striking out the word "year" and insert in lieu thereof "month"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth and ninth sections were separately read and agreed to as follows:

Section 8 This Act shall be construed liberally it being the intention of the legislature to provide for the proper burial of deceased indigent persons uniformly throughout the Commonwealth Where the singular number is used it shall include the plural number and conversely the plural may also mean the singular Where the masculine gender is used it may be construed to mean the feminine

Section 9 Nothing in this Act shall affect the right of

the Anatomical Board to receive such bodies as it is entitled to receive under the provisions of the Act of June thirteen one thousand eight hundred eighty-three Pamphlet Laws one hundred nineteen Section two as amended except where the body is claimed by relatives or friends of the deceased person or by a social agency nor shall this Act apply to soldiers sailors or marines

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 7, by inserting after line 8, the following section:

"Section 10. It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the amendment?

It was agreed to.

The tenth section was read as follows:

Section 10 All acts or parts of acts inconsistent herewith are hereby repealed

On the question.

Will the House agree to the section?

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 10, page 7, line 9, by striking out the figure "10" and insert in lieu thereof "11"

On the question.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. CLIFF PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 7, by inserting after line 10, the following section:

"Section 12. This act shall become effective immediately upon approval by the Governor."

On the question.

Will the House agree to the amendment?

It was agreed to

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read and agreed to as follows:

An Act to provide for the burial of indigent dead throughout the Commonwealth prescribing the procedure therefor and delimiting the costs thereof imposing certain duties on directors of the poor and/or the county commissioners in the several counties and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2963 (Senate Bill No. 90), entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May one thousasd nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 3027 (Senate Bill No. 1601), entitled·

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing a discount where such taxes are paid on or before a certain date and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1298 (Senate Bill No. 102), entitled:

An Act authorizing the Department of Highways to pay damages heretofore occasioned as a result of the destruction of private property by fire and making an appropriation therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3005 (Senate Bill No. 1392), entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securi-

ties belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended qualifying additional securities as acceptable for the securing of State deposits

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2915 (Senate Bill No. 1248), entitled:

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" is hereby amended to read as follows

Section 9 Exceptions to Examination Requirements Present Students and Apprentices Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture under a certificate license or permit for not less than two years in another state territory or District of Columbia or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education provided such person shall make application to the department for registration within [ninety days] six months after the effective date of this [act] amendment Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect Students upon graduating from registered schools of beauty culture may apply for and receive from the department a temporary permit to practice as an operator until the next regular examination held by the department under the provisions of this act

On the question,

Will the House agree to the section?

BILL POSTPONED

Mr. SHEPARD. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3021 (Senate Bill No. 1539), entitled:

An Act to further amend section twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the rights to practice medicine and surgery and any of its minor branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation or suspension of licenses given by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3028 (Senate Bill No. 1602), entitled:

An Act authorizing the payment of certain State taxes in advance of the due date thereof allowing various discounts where such taxes are paid on or before certain dates and conferring powers and imposing duties on the Department of Revenue and the Board of Finance and Revenue

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consid-

eration of House Bill No. 2903 (Senate Bill No. 1230), entitled:

An Act to amend Route Seventy-seven of section six of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damage in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorprated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of destroying State Highways making appropriations to carry out the provisions of this act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3031 (Senate Bill No. 1425), as follows:

An Act giving owners except in counties of the first and second class the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments abating penalties and interest on taxes for such years upon the payment of such instalments together with the taxes for current years and in certain instances of accrued cost extending the period for redemption of lands sold to counties where it has not already expired providing for sales of lands already advertised for sale for delinquency in payment of taxes providing for sales of land as to which the owner has not performed the requirements of the act after an election and for the sale of lands as to which no election has been made by the owner and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "owner" as used herein shall include all persons individual or corporate and any firm unincorporated association or trust and any one claiming by from or under such owner including lienholders having the right to redeem real estate sold at tax sale

Section 2 In all cases when taxes levied upon seated lands for the years one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four or any of them shall be delinquent and unpaid and said real estate shall have been returned to the county commissioners of any county by reason of such delinquency in accordance with existing law the owner of said real estate may on or before November first one thousand nine hundred and thirty-five elect to pay the whole amount of said delinquent taxes in the manner and at the time hereinafter set forth

Section 3 Said election shall be in writing signed by the owner or his agent duly authorized and shall be in substantially the following form

Date.....

..... hereby claims the benefit
(Name of taxpayer)

of the Act of Assembly Number one thousand nine hundred and thirty-five and elects to pay the delinquent taxes upon real estate described as follows

(Description)

levied for the period one thousand nine hundred and thirty to one thousand nine hundred and thirty-four inclusive in the manner and at the time required by said act

.....
(Name of taxpayer)

The county commissioners shall file said election and shall make an appropriate record of the filing thereof in a docket suitable for the purpose They shall at the time of filing said election render to the owner a statement of the entire amount of such delinquent taxes which shall show the dates upon which instalments thereof shall become payable

Section 4 Upon such elections being filed the owner shall have the right and duty to pay such delinquent taxes in instalments as follows Twenty per cent of the whole amount of such delinquent taxes at the time of election and thereafter ten per cent on or before the first day of each May and November until the whole amount shall be paid without any penalties or interest being included therein Upon such payment being made in full an appropriate receipt and certificate to that effect shall be delivered by the county commissioners to the owner and the several lien records of such returned taxes shall be marked satisfied It shall be a condition precedent to the election herein permitted that all taxes for the year one thousand nine hundred and thirty-five shall be or shall have been paid at the time when the respective portions thereof bcome due and payable under existing law and the continuance of the right to make instalment payments as herein provided for shall likewise be conditioned upon all current taxes being paid during the year for which they are levied

Section 5 Upon any default in payments required under section four of this act either of delinquent or current taxes the county commissioners shall certify the real estate together with the unpaid balance of such delinquent taxes to the county treasurer who shall proceed to advertise and sell the same at the time fixed and in the manner required by existing laws pertaining to treasurer's sales of seated lands for taxes

Section 6 Upon such election and so long as payments shall continue in accordance with section four hereof no sale shall be held nor other proceedings to collect such taxes from said real estate be taken by the county commissioners or county treasurer or any other official

The lien of any delinquent taxes so elected to be paid

shall continue in full force and effect during the period of such instalment payments and any proceedings required for defaults therein any law to the contrary notwithstanding

If such election shall be made after advertisement but before sale of any real estate or after a sale but before conveyance to the purchaser such costs only as have already been incurred in the proceedings shall be added to and become a part of the total amount of taxes under section four hereof

Section 7 Upon lands sold to the county commissioners prior to such election but as to which the time of redemption under existing laws has not expired the exercise of the election herein provided for shall have the effect of extending the period of redemption and completion of payments as required by section four shall be deemed and have the effect of a redemption Nothing herein contained however shall have the effect of diverting any title acquired at tax sale and for which the redemption period has expired nor of altering or diminishing the rights of any private purchaser prior to the enactment hereof in any redemption funds

Section 8 Nothing herein shall prevent the county treasurer or the county commissioners of the county from proceeding to sales of seated lands already returned for delinquent and unpaid taxes of the years one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four or any of them in counties where such sales have been advertised by such authorities prior to the passage of this act but such land shall be subject to the election and redemption features of this act in the hands of the purchaser or purchasers thereof

In the event that no election is made as is permitted under the provisions of this act the rights and duties of the county treasurer and county commissioners to proceed to sales of land shall remain as they are under existing laws

Section 10 This act shall not apply to counties of the first and second class

Section 10 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 11 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2974 (Senate Bill No. 117), entitled·

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs and townships of the second class and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MORAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study.

On the question.

Will the House agree to the motion?

The SPEAKER declared the nays appear to have it.

Whereupon, a division was called for and fifty-eight members having voted in the affirmative and seventy-five members having voted in the negative, the question was determined in the negative and the motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2973 (Senate Bill No. 116), entitled:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MORAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study and possible amendment.

The motion was not agreed to.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 147.

An Act providing for and regulating subject to certain restrictions limitations and liabilities the granting of pensions by the Commonwealth to certain blind persons providing for the administration of this act by the Department of Welfare the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases authorizing appointment of trustees for the pensions payable to certain individuals authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind and providing penalties

Mr. HARKINS. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 117.

An Act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties imposing certain duties on the Department of Internal Affairs and providing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1 line 3 by inserting after the word "duties" the words "authorizing substitute licensed weighmasters."

Amend section six page 4, line 22 by striking out after the word "the" the words "Director of said Bureau" and inserting in lieu thereof the words "Secretary of the said Department"; also in line 25 by striking out after the word "the" the word "director" and inserting in lieu thereof the word "Secretary"; also on page 5 line 7 by striking out after the word "the" the word "director" and inserting in lieu thereof the word "Secretary"; also by inserting after the word "issued" in line nine the following new paragraphs:

Provided however that in any case where a license has been revoked any person shall be authorized to substitute at the place for which said revocation was made another weighmaster in his employ and duly certified as such under the provisions of this act pending disposition by the Secretary of Internal Affairs of a new application for license of a new applicant as weighmaster at the place for which the license has been revoked and provided further that the said new application must be forwarded to the Secretary of Internal Affairs within five days of the substitution of another weighmaster.

In case of the absence or inability to act of a licensed weighmaster any person may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly certified as such under the provisions of this act provided that immediate notice of such substitution be reported by said person to the Secretary of Internal Affairs and further provided that any such substituted weighmaster shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days unless with the written consent of the Secretary of Internal Affairs.

Amend bill, page 6, by inserting after the word "herein" in line seventeen the following new paragraph.

"Section 10 This act shall not apply to the sale and distribution of solid fuel to persons residing within a radius of ten miles from the place where such solid fuel is produced unless the purchaser shall require such solid fuel to be weighed as provided herein and/or unless the delivery shall be made to persons residing within the limits of a municipality requiring the said solid fuel to be weighed."

Amend section 10, page six, line 18 by striking out after the word "Section" the figure "10" and inserting in lieu thereof the figure "11."

Amend section 11, page six, line 20 by striking out after the word "Section" the figure "11" and inserting in lieu thereof the figure "12."

On the question.

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

APPROPRIATION BILL ON SECOND READING

Mr. TRONZO asked and obtained unanimous consent to call up out of order House Bill No. 2848, Senate Bill No. 847, Printer's No. 726, on page 1 of today's calendar, appropriation bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2848, (Senate Bill No. 847), entitled:

An Act making appropriations to the Trustees of the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the sum of one million six hundred and fifty thousand dollars ($1,650,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of

the University of Pittsburgh and the purchase of such apparatus and equipment as the Trustees may deem necessary for the best interests of the University of Pittsburgh including maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries

On the question,

Will the House agree to the section?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, lines 4 and 5, by striking out the words and figures "one million six hundred and fifty thousand dollars ($1,650,000)" and inserting in lieu thereof: "one million one hundred eighty-eight thousand ($1,188,000)"

On the question,

Will the House agree to the amendment?

Mr. CAPUTO. Mr. Speaker and members of the House, I rise to oppose these amendments. Before stating my reasons for my opposition to the amendments, I want to state that I, as Chairman of the Investigating Committee of the University of Pittsburgh and the various members of that Committee did their duty impartially. I cast aside any sentiments that I may have had for the University of Pittsburgh of which I am an alumnus and proud of it. The Committee's report represents findings and conclusions based upon facts, and we have no apology to offer for the criticism which we have made of the University of Pittsburgh. We felt that the criticism was justified and deserved. However, we do not state in our report the many good things that the University of Pittsburgh is doing. We have no brief for the Board of Trustees; we have no brief for the Chancellor, particularly, but I say this, if you adopt these amendments you are not striking at the Chancellor, you are not striking at the Board of Trustees, but you are striking at the students of the University of Pittsburgh.

I can give you some figures. During the year of 1934-1935, 52 percent of the annual amount appropriated by this body was used by the University of Pittsburgh either for the purpose of helping students, either through scholarships or through aid. The total sum used by the University of Pittsburgh during this time for students' aid amounted to $594,000. The students accepting this aid numbered over 2000 out of a total registration of 10,000.

At the end of 1934-1935 over $250,000 remains unpaid to the University of Pittsburgh. I say, then, that if anyone wishes to vote for amendments of this kind for personal reasons or personal motives, and wants to strike at the Chancellor and wants to strike at the Board of Trustees they should not take this way of doing it, because you are not striking at the Board of Trustees but you are striking at the students. The University of Pittsburgh will be forced not only to cut its budget because of lack of appropriations but to cut off from its registration members of the faculty and to drop two thousand students from the roll this coming year, and I ask you to vote "no" on these amendments.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, it was my pleasure to serve with Mr. Caputo and the other members of the Committee which was appointed to investigate the affairs at the University of Pittsburgh. I am happy to say that although we did make some recommendations I believe that the University of Pittsburgh will receive those recommendations in good faith, and as soon as the University can possibly do so, they will meet those recommendations into effect. I want be able to put those recommendations into effect. I want to say this, I think that this amendment will put us in the position of saying that we are not only investigating the University but we are trying through the Committee and through the report of the Committee to hold a whip over the head of the University.

There are two recommendations that we are particularly anxious about. They are the recommendations concerning the academic tenure and the recommendation concerning the change in the personnel. We have reliable information that the University is ready and willing to consult concerning those changes and I do feel that the University should be unhampered and that they will go along and make these changes of their own volition. I do feel in fairness to the Committee and to the report of the Committee which has been filed that the University should be left alone and that every opportunity should be given in order to make these changes and I ask you to vote "no" on these amendments.

Mr. COHEN. Mr. Speaker, since the proposed amendments of the gentleman from Allegheny, Mr. Tronzo, are to two sections of the act, I would ask that there be a division of the question. The one amendment is to reduce the appropriation contained in the bill to the same amount as has been received by the University of Pittsburgh in the past biennium. The second amendment is the amendment which would place into the bill the findings and the recommendations which have been suggested, I believe, by the committee, who have investigated the University of Pittsburgh. I therefore, ask that there be a decision on the question.

Mr. TRONZO. Mr. Speaker and members of the House, this apparent slash in the appropriation is really not a cut. It is the amount which is in accordance with the Governor's Budget and I ask the members of the House to vote "aye" on this amendment.

Mr. COHEN. Mr. Speaker and members of the House, as far as the amendment pertaining to the amount approximates the item carried in the Governor's Budget, I can see no objection. I happened to be present at the last session of the Committee investigating the University of Pittsburgh, and both sides were quite willing that the amount contained in the Governor's Budget and the amount that had been appropriated at the last biennium should be the amount that should be carried in the bill. I cannot see how any serious objection can be made to the amendment now under consideration by the House.

Mr. CAPUTO. Mr. Speaker and members of the House, I have no particular objection to this particular amendment.

Mr. JONES. Mr. Speaker and members of the House, when this Committee was voted upon, I mentioned something about the Susquehanna River and I move at this time that the amendments be put in the same place in the Susquehanna River.

The SPEAKER. The motion is out of order.

The yeas and nays were required by Mr. JONES and Mr. KANE.

Mr. JONES. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—89

Achterman,	Dilley,	Long,	Schwab,
Allen,	Downey, G. E.,	Lovett,	Shaw,
Andrews,	Downey, J. J.,	Lynch,	Shepard,
Arnold,	Eroe,	Male,	Shugarts,
Aukerman,	Falkenstein,	McCreary,	Siegel,
Baine,	Finnerty,	McDermott,	Simon,
Baker, J. J.,	Fitch,	Melchiorre,	Sinwell,
Brown, H. S.,	Gerard,	Moomaw,	Smith, J. A.,
Brown, J. E.,	Haberlen,	Mooney,	Smith, W. G.,
Brumbaugh,	Haluska,	Moran,	Stank,
Cannon,	Hamilton, F. P.,	Moul,	Stevens,
Caputo,	Harkins,	Nagel,	Stone,
Carson,	Harmuth,	O'Keefe,	Sumney,
Chervenak,	Hartman,	Panton,	Tronzo
Coakley,	Hetrick,	Patterson, C.,	Tumelty,
Cochran,	Hirsch,	Pearson,	VanAllsburg,
Cohen,	Holstrom,	Pfaff,	VanSickle,
Coleman,	Hoopes,	Piole,	Walker,
Condon,	Kilroy,	Reising,	Welsh,
Coolahan,	Kinney,	Rinn,	Westrick,
Decker,	Klingler,	Robinson,	Yourishin,
Dent,	LaRue,	Schrope,	Sarig,
Diehl,			

NAYS—85

Altenburg,	Green,	Muir,	Stewart,
Atkins,	Greenstein,	Nothnagle,	Stockham,
Barnhardt,	Habbyshaw,	Patterson, J. W.,	Surface,
Bernhard,	Hart,	Perry,	Tahl,
Blumberg,	Hefferon,	Peters,	Terry,
Boose,	Hermansen,	Phillips,	Trout,
Boyd, R.,	Hoffner,	Reynolds,	Turner,
Boyer,	Holland,	Rhys,	Wall,
Brennan,	Horst,	Roan,	Wasserman,
Carr,	Jackson,	Rooney,	Weidemann,
Castor,	Jones,	Root,	Weiss,
Conner,	Kane,	Sarraf,	Welliver,
Cordier,	Kelder,	Schrock,	White,
Davies,	Linderman,	Shortz,	Wickersham,
Denning,	Longaker,	Shreiner,	Winner,
Duffort,	Mason,	Simpson,	Witkin,
Eberharter,	McDevitt,	Sloan,	Wood,
Ferko,	McKinney,	Snyder, F. E.,	Woodside,
Flynn,	Mentzer,	Snyder, J. L.,	Yeakel,
Forrest,	Merrell,	Spangler,	Zappala,
Gates,	Moore,	Sproul,	Zimmerman,
Gillette,			

So the question was determined in the affirmative and the amendment was agreed to.

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 6, by inserting after the word "dispensaries" the following: "Provided, that no part of said appropriation shall be payable until and unless (1) the tenure rule of 1916 for members of the faculty shall have been reestablished, (2) the Board of Trustees of the University of Pittsburgh shall take the necessary steps to amend the charter of said University so as to institute the following changes in respect to the appointment and constitution of the board: That fifteen members be chosen by the Board of Trustees, seven to be chosen by the alumni from its members, by the "Hare System" of proportional representation, three be chosen by members of the faculty of professorial rank from their own number, by the "Hare System" of proportional representation, and five be chosen by the Governor; that all of such members be appointed for terms of three years each, and that the Governor, the Mayor of the City of Pittsburgh, and the Chancellor of the University of Pittsburgh shall be ex-officio members of the board, and (3) the salary of the Chancellor of the University of Pittsburgh shall have been reduced to an amount not in excess of eighteen thousand dollars ($18,000)"

On the question,

Will the House agree to the amendments?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. JONES. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. JONES. Mr. Speaker, can an appropriation bill be amended with an amendment such as that which has just been read?

The SPEAKER. The Chair is of the opinion that it can.

Mr. TRONZO. Mr. Speaker, I suggest that these various points be taken up separately.

The SPEAKER. The amendments will be considered together as read.

Mr. HOOPES. Mr. Speaker, do I understand the Chair to rule that we cannot vote separately upon the first provision and then upon the rest of the amendment?

The SPEAKER. We have voted on the appropriation. Now we are voting on the rest of the amendments.

Mr. HOOPES. Mr. Speaker, I would like to have the question divided so that I can vote separately, as I understand it, this is divided into two distinct and separate questions, first, the re-instatement of the tenure rule under the act of 1916, and, second the provision with regard to election of the board of trustees. I would like to ask that these two questions be voted upon separately. I am in favor of the first one and opposed to the second one.

The SPEAKER. The first amendment will be placed before the House for consideration.

Mr. TRONZO. Mr. Speaker and members of the House, there should not be much discussion on this provision because it is in line with the report of the committee investigation the University of Pittsburgh.

Mr. ZAPPALA. Mr. Speaker and members of the House, I am not going to speak on the subject very long. I just want to call to the attention of the members of the House the fact that the Committee appointed by the Speaker of this House to investigate the University of Pittsburgh, I feel, has done a good and clean job. They have come here with the report and have made certain recommendations and they say that it is discourteous on the part of the members of the House to come here now and try to change the report of this Committee. I do not think it is fair under the circumstances to hold this against the Pittsburgh University, nor do I think it is fair on the part of the gentleman from Allegheny to even try to attempt to say that the salary of Chancellor Bowman is entirely too high. For the benefit of the members of the House, let me say to you that when Chancellor Bowman came to Pittsburgh in—

POINT OF ORDER

Mr. TRONZO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TRONZO. Mr. Speaker, the gentleman from Allegheny, Mr. Zappala, is not talking on the matter now under consideration of the House, under the Speaker's ruling.

The SPEAKER. The point of order is well taken. We have only one amendment now under consideration.

Mr. ZAPPALA. Mr. Speaker and members of the House, the investigating committee made certain recom-

mendations and I ask the Republican and Democratic members of the House to vote down this amendment because there have already been made certain recommendations.

Mr. TRONZO. Mr. Speaker and members of the House, this is point 3 in the report of the investigating committee. The report of the committee unanimously recommended the establishment of the academic tenure rule which had existed in the University of Pittsburgh. I ask for a roll call.

Mr. COHEN. Mr. Speaker and members of the House, I wish to call the attention of the House to the fact that this is an appropriation bill. The title does not include any notification to the effect that certain rules and regulations are being set down as to how this appropriation should be spent. It is a departure from the precedent which has been established in this Commonwealth by years of appropriating monies, to the effect that no regulatory measure should be included in this type of appropriation. The report of the committee has been filed and it has received quite a lot of publicity in the city of Pittsburgh and the county of Allegheny. I feel that the authorities of the University of Pittsburgh will heed the findings of the committee. I feel that there is no necessity whatsoever to include these regulatory measures in this appropriation bill and I ask the House to vote this particular amendment down.

Mr. HOMER S. BROWN. Mr. Speaker, with reference to the amendment before you now and those which will follow, may I simply make this observation: This report was made public to this House on Monday night. We are just two days away from Monday. We want to be fair and we ought to give the University of Pittsburgh the right to make these changes without compelling them to make them. I simply ask that you give them the right to make these changes rather than to force them into making them. We ask that you give them that opportunity. I think that is fair play.

Mr. TRONZO. Mr. Speaker and members of the House, what the gentleman from Allegheny, Mr. Brown, has said, is true, but the University has not been fair in the past and we have no reason to believe that it will be fair in the future.

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, and members of the House, I submit that this amendment is out of order for the reason that the title does not show sufficient and does not include sufficient to give notice that the bill carries these provisions. Therefore, the amendment is out of order.

The SPEAKER. The Chair realizes that the gentleman from Allegheny raises a constitutional point of order, which under ordinary circumstances is always referred back to the members of the House, but the Chair feels that the question can be decided just as quickly by voting on the amendments as by voting on the constitution question just raised.

Mr. EBERHARTER. Mr. Speaker, I desire to withdraw my point of order just raised regarding the constitutionality of the amendments.

Mr. TURNER. Mr. Speaker and members of the House, I dislike at this time to take the time of the House to raise any further question on these amendments, but as the point of order as to the constitutionality has been withdrawn, I do not think that we ought to pass this by so that later on we might be stopped from raising the question.

These amendments affect, I believe, the charter of a corporation created by the state, and therefore they could have no effect, even if they were inserted in the bill. It would be unconstitutional.

On the question,

Will the House agree to the first amendment?

The yeas and nays were require by Mr. TRONZO and Mr. HOOPES and were as follows:

YEAS—15

Andrews,	Brown, J. E.,	McCreary,	Powers,
Baine,	Harkins,	McElroy,	Reynolds,
Baker, J. J.,	Hoopes,	Moran,	Tronzo,
Bradley,	Long,	Piole,	

NAYS—176

Achterman,	Finnerty,	McHenry,	Simpson,
Alexander,	Fitch,	McKinney,	Sinwell,
Allen,	Flanagan,	Melchiorre,	Sloan,
Altenburg,	Flynn,	Mentzer,	Smith, J. A.,
Arnold,	Forrest,	Merrell,	Smith, W. G.,
Atkins,	Furman,	Moomaw,	Snyder, F. E.,
Aukerman,	Gates,	Mooney,	Snyder, J. L.,
Baldi,	Gerard,	Moore,	Sowers,
Barber,	Green,	Moul,	Spangler,
Barnhardt,	Greenstein,	Muir,	Sproul,
Bernhard,	Habbyshaw,	Murrin,	Stank,
Blumberg,	Haberlen,	Nagel,	Stevens,
Boose,	Haluska,	Nothnagle,	Stewart,
Boyd, R.,	Hamilton, F. P.,	O'Keefe,	Stockham,
Boyer,	Hamilton, R. S.,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Patterson, C.,	Surface,
Brownfield,	Hefferon,	Patterson, J. W.,	Tahl,
Brumbaugh,	Hermansen,	Pearson,	Terry,
Caputo,	Hetrick,	Perry,	Trout,
Carr,	Hindman,	Peters,	Tumelty,
Carson,	Hirsch,	Pfaff,	Turner,
Castor,	Hoffner,	Phillips,	VanAllsburg,
Chervenak,	Holland,	Reising,	VanSickle,
Coakley,	Holstrom,	Rhys,	Walker,
Cochran,	Horst,	Rinn,	Wall,
Cohen,	Jackson,	Roan,	Wasserman,
Coleman,	Jones,	Rooney,	Weidemann,
Condon,	Kane,	Root,	Weiss,
Conner,	Kelder,	Ruffennach,	Welliver,
Coolahan,	Kelso,	Ruth,	Welsh,
Cordier,	Kilroy,	Sarraf,	Westrick,
Davies,	Kinney,	Schrock,	White,
Decker,	Klingler,	Schrope,	Wickersham,
Denning,	LaRue,	Schwab,	Winner,
Dilley,	Linderman,	Schwartz,	Witkin,
Downey, G. E.,	Longaker,	Shaw,	Wood,
Downey, J. J.,	Lovett,	Shepard,	Woodside,
Duffort,	Lynch,	Shortz,	Yeakel,
Eberharter,	Male,	Shreiner,	Yourishin,
Eroe,	Mason,	Shugarts,	Zappala,
Falkenstein,	McDermott,	Siegel,	Zimmerman,
Ferko,	McDevitt,	Simon,	Sarig,

So the question was determined in the negative and the amendment was not agreed to.

The SPEAKER. The second and third amendments will be placed before the House for consideration.

On the question,

Will the House agree to the amendments?

Mr. TRONZO. Mr. Speaker and members of the House, provision two in the section on directors from the report filed by this committee is in this manner: There are fifteen to be elected from the Board of Trustees among themselves, seven by the alumni and three to be chosen

by the faculty. The committee has suggested that ten be selected by the Alumni instead of seven. We have five by the Governor. We all know what has occurred to the University due to the fact that it is self perpetuating. There must be and there should be a change in the body.

We feel that the salary of the Chancellor should be reduced to an amount not in excess of twelve thousand dollars. I think that the Chancellor at the present time is receiving thirty-five thousand dollars a year minus a ten per cent reduction which can be taken away at any time. We feel that this is too enormous a salary for a University Chancellor, much more than the salary of the Governor of this Commonwealth, and probably the highest paid University Chancellor in the country.

Mr. ZAPPALA. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Tronzo.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. TRONZO. Mr. Speaker, I will.

Mr. ZAPPALA. Mr. Speaker, has the gentleman from Allegheny, Mr. Tronzo, attended Pittsburgh University?

Mr. TRONZO. I have, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 In addition to the appropriation made by section one of this act the sum of seven hundred eleven thousand three hundred fifty-seven dollars and ninety-four cents ($711,357.94) is hereby appropriated to the trustees of the University of Pittsburgh for the two fiscal years beginning June first one thousand nine hundred thirty-five for the payment of obligations incurred by such trustees for the general maintenance of the University including the purchase of apparatus and equipment and the maintenance of teaching facilities in hospitals for students in the School of Medicine of the University of Pittsburgh including the Maternity Dispensary and other dispensaries during the two fiscal years ending June first one thousand nine hundred thirty-five and which were not paid out of the appropriation for such purposes made to such trustees by the General Assembly at its regular session of one thousand nine hundred thirty-three because of insufficient revenues in the General Fund.

Any law to the contrary notwithstanding amounts payable to the trustees of the University of Pittsburgh out of this appropriation shall be paid as promptly after the effective date of this act as the revenues of the General Fund shall permit and for this purpose payments from this appropriation shall take precedence over payments from the appropriation made by section one of this act

Section 3 This act shall become effective immediately upon its final enactment and shall be retroactive to June first one thousand nine hundred thirty-five.

An Act making appropriations to the Trustees or the University of Pittsburgh for the General maintenance of and the purchase of apparatus and equipment for the University of Pittsburgh and for the maintenance of teaching facilities in hospitals for students in the School for Medicine.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:30 P. M. Are there objections? The Chair hears none and declares a recess until 3:30 P. M.

AFTER RECESS

The House reconvened at 3:30 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

SENATE MESSAGE

SENATE RECEDES FROM ITS NON-CONCURRENCE

The Clerk of the Senate being introduced, informed that the Senate recedes from its non-concurrence and concurs in the amendments made by the House to Senate Bill numbered and entitled as follows:

SENATE BILL No. 173.

An Act making appropriations to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 222.

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 19, 1935.

Resolved (if the Senate concur), That House Bill No. 1886, Printer's No. 1300, entitled "An act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying one of such persons," be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 181.

An Act making appropriations to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

SENATE BILL No. 255.

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines.

SENATE BILL No. 466.

An Act making appropriations to the Johnson Industrial School of Scranton Pennsylvania.

SENATE BILL No. 535.

An Act making appropriations to The Glen Mills Schools situate in Delaware County Pennsylvania.

SENATE BILL No. 537.

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania.

SENATE BILL No. 539.

An Act making appropriations to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

SENATE BILL No. 754.

An Act making appropriations to the Trustees of Temple University at Philadelphia Pennsylvania.

SENATE BILL No. 350.

An Act authorizing county commissioners to permit certain historical societies to excavate for bodies of revolutionary soldiers providing for the payment of such excavations and making an appropriation.

SENATE BILL No. 1026.

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

SENATE BILL No. 1382.

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

SENATE BILL No. 1346.

An Act to amend the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence permitting taxpayers to anticipate the payment of delinquent taxes if current and prior taxes are paid and relieving real estate from the payment of certain costs.

SENATE BILL No. 299.

An Act making appropriations to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

SENATE BILL No. 363.

An Act making appropriations to the Pennsylvania Museum and School of Industrial Art Philadelphia.

SENATE BILL No. 665.

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (Pamphlet Laws two hundred thirteen) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agriculture College" and making appropriations for carrying the same into effect.

SENATE BILL No. 963.

An Act making appropriations to the Trustees of the University of Pennsylvania.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 117.

An Act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties.

HOUSE BILL No. 170.

An Act authorizing townships of the first class to fund floating indebtedness orders or indebtedness of any previous year or years or carried over from any previous year or years or indebtedness evidenced by any outstanding note or notes now existing and now due or hereafter to become due by the issuance and sale of bonds obligations or certificates and regulating the manner of the issuance and sale of such bonds obligations or certificates

HOUSE BILL No. 1418.

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

HOUSE BILL No. 2026

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and ninteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor.

HOUSE BILL No. 2134.

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, associa-

tion or persons and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by further providing for the powers and limitations upon the powers of corporations and persons authorized to engage in a banking business.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON SECOND READING

Mr. JOHN A. SMITH. Mr. Speaker, I desire to call up at this time House Bill No. 2915, Senate Bill No. 1248, Printer's No. 493, on page 6 of today's calendar, bill on second reading, which bill was postponed this morning.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2915 (Senate Bill No. 1248), entitled·

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safey by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" is hereby amended to read as follows

Section 9 Exceptions to Examination Requirements Present Students and Apprentices Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture under a certificate license or permit for not less than two years in another state territory or District of Columbia or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education provided such person shall make application to the department for registration within [ninety days] six months after the effective date of this [act] amendment Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect Students upon graduating from registered schools of beauty culture may apply for and receive from the department a temporary permit to practice as an operator until the next regular examination held by the department under the provisions of this act

On the question,

Will the House agree to the section?

Mr. JOHN A. SMITH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 13, by inserting after the word "Apprentices" the following: "Temporary and Special Certificates of Registration"

Amend Sec. 1, page 3, line 14, by inserting after the word "act" the following: "The department upon evidence satisfactory to it of the ability and experience of such person, may issue to an individual a special certificate of registration for a period of not more than thirty days within a limited territory to operate in a registered beauty shop as a demonstrating beautician, when such person is an agent or employe of any person, association, copartnership or corporation, manufacturing, marketing or introducing a particular beauty mechanical appliance, machine, preparation or system or several of them, and is not a paid employe of the beauty shop in which the individual is operating. Such certificate shall be issued without cost and upon such informal examination as the department shall prescribe."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This amendment shall become effective immediately upon final enactment

The title was read as follows·

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination

On the question,

Will the House agree to the title?

Mr. JOHN A. SMITH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "examination" at the end thereof the following: "and providing for the issuance of temporary and special certificates of registration under certain circumstances."

On the question,
Will the House agree to the amendment?
It was agreed to,
On the question,
Will the House agree to the section as amended?
It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. SURFACE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Snyder will state his question of personal privilege.

Mr. SURFACE. Mr. Speaker, and members of the House, I wish to state that I did not vote for the salary increase because it would be insincere on my part to have the bill that I have in the Committee on State Government, calling for a salary reduction, which is the second time I have had such a bill before the Legislature. I do not wish to be in the position of asking for other salaries to be reduced and mine to be increased.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 805.

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section one, page one, line four, by striking out after the word "of" the word "sixty" and inserting in lieu thereof the word "ninety"; also in line 5, by striking out after the word "dollars" figures "($60,000)" and inserting in lieu thereof "($90,000)"; also in line 10 by striking out after the word "act" the word "twenty" and inserting in lieu thereof the word "thirty"; also in line 11 by striking out after the word "dollars" the figures "($20,000)" and inserting in lieu thereof "($30,000)"; also page 1, line 14, by striking out at the beginning of said line the word "forty" and inserting in lieu thereof the word "sixty"; also in line 14 by striking out after the word "dollars" the figures "($40,000)" and inserting in lieu thereof the figures "($60,000)"; also page two, line 4, by striking out after the word "thirty-six" the word "seventeen" and inserting in lieu thereof "twenty-five"; also line 6 by striking out after the word "by" the words "competitive examination to be conducted in such manner as said college may provide from among candidates nominated by"; also line 9, by striking out after the word "Senator" the words "to be notified by said college of the time and place of such examination and" and inserting in lieu thereof the words "of each even-numbered senatorial district"; also line 12, by striking out after the word "candidate" the words "for examination"; also line 14, by striking out after the word "thirty-seven" the word "seventeen" and inserting in lieu thereof the word "twenty-five"; also line 15, by striking out after the word "appointed" the words "after competitive examination on nomination of" and inserting in lieu thereof the word "by"; also line 16, by striking out the heavy face bracket before the word "from"; also line 20 by striking out the heavy face bracket after the word "years"; also line 22, by striking out after the word "appoint" the word "three" and inserting in lieu thereof the word "five"; also line 25, by inserting after the word "candidate" the word "shall"; also line 25 by striking out after the word "candidate" the words "for examination shall in addition to a scholastic examination"; also line 27 by inserting after the word "examination" the words "and shall meet the scholastic entrance requirements of the college"; also page 3, line 2, by inserting after the word "years" the words "commencing within six months after graduation"; also line 6, by striking out after the word "students" words "selected by competitive examination" and inserting in lieu thereof the words "appointed by Senators."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

affirmative and the amendments were concurred in accordingly.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CAPUTO asked and obtained permission of the House for the Committee on Judiciary General to meet during the session of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. HORST. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HORST. Mr. Speaker and members of the House, I call your attention to the fact that this afternoon there was laid upon your desks a copy of the preliminary report of the joint Legislative Committee to investigate public relief in Pennsylvania. This Committee has heard the reports of the county investigating body and such other witnesses as came before the Committee, and offered in brief its recommendations for some changes in the administration of relief, as are embodied in the report. We were unanimous in most of the recommendations. There was one point on which we were not in accord and that was on the matter of local control. You will find on page 7 the report of the majority of the committee and also a minority report offered by one of the members of the committee. I might say that there is a recommendation made in this report that consideration be given to two of the bills that passed through the Senate and which are now in the committees of the House, one being Senate Bill 154, Printer's No. 312, now in the Committee on Judiciary Special, and the other Senate Bill No. 751, now in the Committee on Judiciary General. We have no definite recommendations to make as to the specific provisions of these bills, but do recommend that the committee consider the bills and if they are to be acted upon, they should be reported out at once.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 329, as follows:

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 455) are hereby further amended to read as follows:

Section 704. Unlawful Methods of Hunting.

(a) Unlawful Methods and Devices

It is unlawful for any person to shoot at or to shoot for game unless the same is plainly visible to him or to dig out or smoke live game out of its den or place of refuge.

It is unlawful to hunt for or catch or take or kill or wound or attempt to catch or take or kill or wound game of any kind through the use of what is commonly known as an automatic gun or an automatic firearm of any kind or a swivel gun or an air-rifle or the apparatus known as a silencer or from an automobile or vehicle or boat or craft of any kind propelled by any mechanical power or to set lay or prepare for use or to use any trap snare net birdline deerlick pitfall turkey blind turkey call or turkey pen or to make use of or to take advantage of any artificial light battery or other contrivance or device or to make use of any method or device not specifically permitted by this act for the purpose of catching or taking or wounding or killing game

It is unlawful to hunt for or catch or take or kill or wound or attempt to catch or take or kill or wound raccoons except in the manner provided in the preceding section.

(b) Unlawful Manner of Hunting Elk Deer or Bear

It is unlawful to kill or attempt to kill any elk or deer or bear except through the use of a gun propelling one all-lead or lead alloy or soft-nosed or expanding bullet or ball at a single discharge or through the use of a bow and arrow or to take an elk in any manner except through the method known as still hunting

It is unlawful for any person or one or more of a group of persons together to throw or cast the rays of a spotlight headlight or other artificial light on any highway or in any field woodland or forest upon a deer elk or bear while having in his or their possession or under their control a firearm or other implement whereby a deer bear or elk could be killed even though such animal be not shot at injured or killed The provisions of this paragraph shall not apply if it shall be proven that the headlights of a motor vehicle operated by the defendant or defendants while traveling on a highway in the usual way cast a light upon such animal on or adjacent to such highway and there was no attempt or intent to locate such animal

(c) Unlawful to Kill Elk or Deer in Water

It is unlawful for any person at any time to shoot at or kill or wound or capture or attempt to kill or wound or capture either an elk or a deer while taking refuge in or swimming through the waters of any of the streams ponds or lakes

(d) Use of Dogs in Hunting Deer Elk Wild Turkey

It is unlawful for any person to make use of a dog in hunting elk or deer or wild turkey and every person who takes a dog into the woods or who has possession or control of a dog in the woods and every person in a camp which has a dog in their possession or control or in which a dog is harbored shall be liable to the fines prescribed in this article for the unlawful chasing taking or killing of elk or deer or wild turkey as the case may be if such dog within a radius of ten miles from said camp or from any point where such dog has been accompanied by such person or persons runs after pursues or follows upon the track of any elk or deer for a distance of one-half mile or does pursue or scatter wild turkeys

(e) Hunting with Ferrets

Except as otherwise provided in this act it is unlawful for any person to hunt for or catch or kill or cause or permit the hunting of hares or rabbits with or through the use of a ferret The fact that any person shall place a ferret in any hole or opening outside of buildings in which a rabbit might be found or shall be caught in the act of using a ferret in taking hares or rabbits or shall have a ferret in possession or under control in either the fields or forests or any vehicle upon the highways or on railroad or railway cars shall render such person liable to the penalty prescribed in this article Any ferret found

running at large or found in the possession or under the control of a person not possessed of a ferret license or of a person convicted of violating any provision of this act shall be forfeited to the Commonwealth and shall be immediately killed by the officer or citizen into whose hands such animal may come

(f) Unlawful Crafts and Vehicles

It is unlawful to hunt for or pursue or to follow after with intent to kill game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle Any person using a craft or boat for such purposes contrary to this section or the captain or owner or other person in charge of such boat or craft who shall allow or knowingly permit the same to be used contrary to this section shall be liable to the fines provided for in this article

It shall be unlawful to hunt for or pursue or to follow game of any kind with any vehicle or to use any vehicle or its lights or equipment for the killing wounding or catching of game of any kind or to use any vehicle for the transportation of game illegally killed

(g) Hunting with Decoys

It is unlawful for any person or for any number of persons acting together to place in any of the waters of this Commonwealth for the purpose of attracting wild waterfoul more than thirty-six specimens of artifically prepared wooden ducks or ducks of any character commonly used as decoys or to shoot over or attempt to control more than thirty-six such decoys so placed as to cover not exceeding one-fourth of a mile upon any stream or lake

It is unlawful for any person or for any number of persons acting together to use decoys unless each specimen is marked with a metallic plate or tag giving in plain English the name and address of the owner or owners or to have such decoys in the water more than thirty-six hours without removing them for at least twelve hours before replacing in the water

Section 725 Penalties Any person violating any of the provisions of the sections of this article shall upon conviction be sentenced to pay the following fines and costs of prosecution for each offense

(a) For hunting or shooting or chasing or catching or killing any game or attempting to shoot or chase or catch or kill with or without dogs any game upon the first day of the week commonly called Sunday or for hunting for or shooting at or catching or killing or attempting to hunt for or shoot at or catch or kill any game other than wild turkey and grouse between one-half hour after sunset of one day and one-half hour before sunrise of the day following or hunting or killing wild turkey and grouse between sunset of one day and sunrise of the day following contrary to the provisions of this article twenty-five dollars

(b) For using a vehicle or boat or craft or permitting the same to be used contrary to the provisions of this article fifty dollars for each day

(c) For using decoys contrary to the provisions of this article ten dollars for each decoy

(d) For taking any wild animal or wild bird contrary to the provisions of this article ten dollars for each trap or device so used

(e) For failure to keep or produce upon demand by an officer the roster or record of a hunting party as required by the provisions of this article twenty-five dollars

(f) For failure to tag or mark a deer or elk or bear within six hours after killing as required by the provisions of this article twenty-five dollars

(g) For shipping transporting carrying or conveying parts of large game in any package container or baggage of any description without having a card or marker attached as provided by this article twenty-five dollars

(h) For a common carrier or his or its agent to knowingly or negligently transport game from one point to another in this Comonwealth contrary to the provisions of this article twenty-five dollars

(i) For violating any of the provisions of this article relating to living birds and the eggs thereof and living animals imported or brought into or released within this Commonwealth fifty dollars for each bird or egg or animal imported or sold or released contrary to said provisions

(j) For interfering with or destroying the nest or egg of any game bird contrary to the provisions of this article fifty dollars for each nest

(k) For interfering with or destroying the nest or egg of a protected bird contrary to the provisions of this article ten dollars for each nest

(l) For shooting at or wounding or taking or killing or possessing any protected bird contrary to the provisions of this article ten dollars

(m) For selling or offering for sale or possessing for the purpose of sale or transporting or shipping or attempting to transport or ship any protected bird or any bird that may have been brought into this Commonwealth which belongs to the same family or the skins or plumage of any such bird twenty dollars

(n) For making use of or taking advantage of any vehicle headlight or spotlight or artificial light or battery or other contrivance or device to spot or locate or hunt for or catch or take or kill or wound any elk deer or bear contrary to the provisions of this article [five] one hundred dollars on each person concerned

(o) Except as otherwise herein provided for hunting or chasing or catching or taking or killing or wounding or receiving or delivering or transporting or shipping or using or concealing or assisting to conceal or having in possession or attempting to hunt for catch take kill wound or transport contrary to this article or for violating any of the provisions of this article relating to the shipping or transportation or removal out of this Commonwealth or relating to the buying or selling or bartering of

I Each elk two hundred dollars and in the discretion of the court six months' imprisonment

II Each deer one hundred dollars

III Each bear fifty dollars

IV Each wild turkey ruffed grouse pheasant quail or woodcock twenty-five dollars

V Each other game bird or game animal ten dollars

In any case where any game bird or game animal was legally taken and held in possession after the time permitted by this article the fine shall be one-half of the fine above prescribed

In addition to the fine above prescribed any person who shall make use of or have in possession or under control a ferret contrary to the provisions of this article shall be liable to a fine of twenty-five dollars for each ferret and costs of prosecution

Upon failure of any person convicted of a first offense to immediately pay the fine imposed and costs of prosecution he shall be imprisoned one day for each dollar of fine imposed and costs of prosecution

Any person convicted of a second or subsequent offense shall be liable to the fines above provided and costs of prosecution and in addition thereto shall in the discretion of the court suffer imprisonment one day for each dollar of fine imposed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,

Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2653, as follows:

An Act granting permission to the Borough of Camp Hill Pennsylvania the Borough of Lemoyne Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Borough of Camp Hill Pennsylvania the Borough of Lemoyne Pennsylvania and the Borough of New Cumberland Pennsylvania are hereby granted permission to use jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed by the Commonwealth of Pennsylvania for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania such use by the said boroughs and the rental or cost of maintenance or both to be under and subject to the regulations of the Department of Property and Supplies of the Commonwealth of Pennsylvania and not to interfere in any way with the use of the same by the Commonwealth of Pennsylvania The right to such use by said boroughs shall terminate at any time when the Department of Property and Supplies shall serve notice on said boroughs that the sole use of said force main and outfall sewer is necessary for the requirements of the Cumberland Valley State Institution for Mental Defectives

Section 2 The Department of Property and Supplies of the Commonwealth of Pennsylvania is hereby authorized and directed to enter into contracts with the said boroughs for the purpose of carrying this act into effect

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brancato,	Harkins,	Ominsky,	Stone,
Brennan,	Harmuth,	O'Neill,	Stott,
Brown, H. S.,	Hart,	Panton,	Sumney,
Brown, J. E.,	Hartman,	Parks,	Surface,
Brownfield,	Hefferon,	Patterson, C.,	Tahl,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Terry,
Burke,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holland,	Phillips,	Van Allsburg,
Castor,	Holstrom,	Piole,	Van Sickle,
Chervenak,	Hoopes,	Powers,	Walker,
Coakley,	Horst,	Reising,	Wall,
Cochran,	Jackson,	Reynolds,	Wasserman,
Cohen,	Jones,	Rhys,	Weidemann,
Coleman,	Kane,	Rinn,	Weiss,
Condon,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shepard,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. WEISS. Mr. Speaker, I desire to call up at this time House Bill No. 2871, Senate Bill No. 1232, Printer's No. 675, on page 12 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WEISS,

The House resumed consideration on final passage of House Bill No. 2871 (Senate Bill No. 1232), entitled:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarify-

ing the status of goods to be affixed to the realty and outlining procedure in such cases

On the question recurring,

Shall the bill pass finally?

Mr. TAHL. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny, Mr. Weiss permit himself to be interrogated?

Mr. WEISS. Mr. Speaker, I will.

Mr. TAHL. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Weiss, what changes this bill makes in the present law?

Mr. WEISS. Mr. Speaker, this bill introduced by Senator Benjamin Thompson, of Westmoreland County was introduced to cure defects in the existing law, brought about by reason of a Supreme Court decision in a case which held that any machinery purchased under a conditional sales contract following the placing of a mortgage on some manufacturing plant or building under that Supreme Court decision was held to be a part of the freehold, and when execution on the foreclosure followed on the mortgage, that there was no right in the conditional vendor to remove any of the fixtures or machinery, regardless of how much the unpaid balance amounted to. This bill was introduced to cure that defect. The bill in its substance says this, that where there is a mortgage on any particular building, and subsequently there is a purchase of machinery under a conditional sales contract, and this contract is placed of record, that the machinery shall not become a part of the freehold, and there shall be a right of removal on the part of the conditional vendor.

Mr. TAHL. Mr. Speaker, do I understand that the large machine manufacturing corporations are interested in the passage of this bill?

Mr. WEISS. Mr. Speaker, I do not know, but I do know that there are a lot of conditional vendors or contractors who refuse to permit the sale of any machinery under a conditional contract. They want cash for the machinery. I know a gentleman who was interested in the purchase of machinery to the extent of about $16,000 worth, and he does not have the cash. He says that the company will not sell it to him until he can pay the cash. This bill is intended to cure that defect.

Mr. TAHL. Mr. Speaker, am I correct in saying that this bill changes the common law that has been in Pennsylvania for many years in order to aid the large machine manufacturing corporations?

Mr. WEISS. No, Mr. Speaker, I disagree with the gentleman from Philadelphia, Mr. Tahl. I want to read this for the benefit of the members of the House, to show that the decision of the Supreme Court in the recent Eatmor case is not in accordance with the policies and rulings of the United States Supreme Court. Let me quote a part of the decision: "Holt versus Henry, 232 U. S. 637 and Detroit Steel Cooperage Company versus Sisterville Brewing Company 233 U. S., 715, cited by appellant indicate that the Supreme Court of the United States has taken a view of controversies similar to the one in hand somewhat different from our own."

I say that I am in accord with those policies and I am in favor of the right of these manufacturers of machinery to be able to sell their machinery under a conditional sales contract.

Mr. TAHL. Mr. Speaker, will the passage of this bill help lawyers who represent conditional sales vendors?

Mr. WEISS. Mr. Speaker, this bill will help business generally. It will help the purchasers of machinery as well as conditional vendors.

Mr. Speaker, at this time I would like to yield to the gentleman from Allegheny, Mr. Brown.

Mr. HOMER S. BROWN. Mr. Speaker and members of the House, I am not quite sure why the gentleman from Allegheny, Mr. Weiss, yielded the floor to me except that I can only substantiate what the gentleman from Allegheny, Mr. Weiss, has said, and hope to nullify what the gentleman from Philadelphia, Mr. Tahl, has said.

It stands to reason that if we are to have a conditional sales act in the state of Pennsylvania, and the Legislature has said that we shall have one, the act is of no validity unless it is workable. As the matter now stands, you cannot buy machinery under the conditional sales act. This bill simply amends our present law to allow machinery to be sold.

Now, if machinery is to be sold entirely for cash, just cannot be sold.

I might say that Mr. Weiss forgot to call the attention of the House to the last paragraph of the bill on page five. The bill provides that where the machinery is attached to the real estate, the person who has the contract must of course give notice to the mortgagee or any person interested in the real estate, and post a bond so that if the machinery is removed and the premises are damaged the bond will stand security for any damage that might accrue. Under the bill, as I see it, no one can be hurt and business may be expedited so that people may buy machinery under a conditional sales contract.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,

Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SCHWAB asked and obtained permission of the House for the Committee on Forestry to meet during the session of the House.

APPROPRIATION BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2988 (Senate Bill No. 1535), as follows:

An Act making appropriations for the payment of unpaid bills incurred by the Senate and House committees created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

Whereas, By a resolution of the Senate adopted February tenth one thousand nine hundred and thirty-one a committee on the part of the Senate was created to investigate the Public Service Commission of the Commonwealth of Pennsylvania which committee presented a report to the Senate April fourteenth one thousand nine hundred and thirty-one and

Whereas, There remain unpaid bills for reporting and transcribing said proceedings to the extent of eight thousand three hundred and forty-two dollars ($8,342) and

Whereas, By a resolution of the House adopted February seventeenth one thousand nine hundred and thirty-one a committee on the part of the House and the Governor was created to investigate the Public Service Commission of the Commonwealth of Pennsylvania which committee presented a final report to the House May twenty-fifth one thousand nine hundred and thirty-one and

Whereas, There remain unpaid bills for reporting and transcribing said proceedings to the extent of fifteen thousand six hundred and forty dollars ($15,640) therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight thousand three hundred and forty-two dollars ($8,342) is hereby specifically appropriated to the Secretary of the Senate for the payment of unpaid bills incurred by the Senate committee pursuant to the authority granted by Senate resolution serial number six one thousand nine hundred and thirty-one adopted February tenth one thousand nine hundred and thirty-one Payment from said appropriation shall be made on requisition of the secretary of the Senate in the manner provided by law.

Section 2 The sum of fifteen thousand six hundred and forty dollars ($15,640) is hereby specifically appropriated to the Chief Clerk of the House for the payment of unpaid bills incurred by the House and Governor's committee pursuant to the authority granted by House Resolution serial number twelve resolution number ten printer's number thirty-five of the session of one thousand nine hundred and thirty-one adopted February seventeenth one thousand nine hundred and thirty-one Payment from said appropriation shall be made on requisition of the Chief Clerk of the House in the manner provided by law.

Section 3 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2999 (Senate Bill No. 366), entitled:

An Act making an appropriation to the Department of Welfare for the payment of the cost of an additional steam boiler a fire prevention sprinkler system a feed water pump and certain repairs and improvements at the Dixmont Hospital Dixmont Allegheny County.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2074 (Senate Bill No. 184), entitled:

An Act making an appropriation to the Department of Property and Supplies for moneys due in connection with a low pressure steam line at the State Sanitorium at Cresson.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Schrock,	Woodside,
Dilley,	Long,	Schrope,	Yeakel,
Downey, G. E.,	Longaker,	Schwab,	Yourishin,
Downey, J. J.,	Lovett,	Schwartz,	Zappala,
Duffort,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Scanlon,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2976 (Senate Bill No. 891), entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1972

Mr. ACHTERMAN. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on House Bill No. 1972, Printer's No. 1558.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1972, entitled: "An Act fixing the salary of the district attorney in counties of the seventh class" respectfully submit the following bill as our report:

CHAS. H. EALY,
C. W. STAUDENMEIER,
GLEN R. LAW,
Committee on the Part of the Senate.

LEO A. ACHTERMAN,
CHAS. W. ALLEN,
ARTHUR J. WALL,
Committee on the part of the House of Representatives.

An Act fixing the salary of the district attorney in counties of the seventh class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the annual minimum salary of the district attorney in counties of the seventh class shall be as follows In counties of the seventh class having a population of twenty thousand inhabitants and more but less than twenty-seven thousand seven hundred and fifty dollars ($750) and in counties of the seventh class having a population of twenty-seven thousand and more one thousand five hundred dollars ($1,500) to be paid by the county

Section 2 The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred seventeen) entitled "An act regulating the salaries of district attorneys in counties of the seventh and eighth classes" is hereby repealed in so far as it applies to counties of the seventh class

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

affirmative and the report of the Committee of Conference was adopted.

Ordered, that the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2762, entitled

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. PETERS. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2269, entitled

An Act granting additional powers to courts of common pleas to restrain and control distress proceedings and to adjudicate the rights of parties and claimants and to appoint receivers custodians or trustees for individuals and partnerships and to require persons to appear in court for examination

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1253, entitled

An Act providing for and regulating the appointment promotion reduction in rank and removal of paid members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio operators and their assistants in counties of the second class and in the cities boroughs towns and townships within such counties creating a county civil service commission in each such county and members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on such counties and the cities boroughs towns and townships located therein imposing penalties and repealing inconsistent laws

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,

Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2504, as follows:

An Act relating to the financing of motor vehicles prohibiting certain practices providing for the licensing by the Department of Bankng of persons copartnerships associations and corporations engaged in the business of advancing money or credit on motor vehicles providing for the service of process on corprations and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions As used in this act the following words shall have the following meanings

"Lender" any person copartnership association or corporation who or which advances money or credit upon motor vehicles whether such person copartnership association or corporation retains title to such motor vehicle and executes a lease to the other party or uses other methods or means of securing payment of the obligation but "lender" shall not be construed to include any licensee licensed by the Department of Banking under the provisions of the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet the immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" and its amendments and supplements

"Borrower" any person copartnership association or corporation who receives money or credit upon a motor vehicle by whatever means such motor vehicle may be pledged

Section 2 Limitation of contracts On and after the effective date of this act no contract between a lender and a borrower shall stipulate authorize or require

(a) Fire theft or collision insurance on the motor vehicle to be placed otherwise than through the ordinary channels for placing such insurance Providing however That the borrower at his option may permit the contract to stipulate that such insurance to be secured by the lender at the prevailing rates and the repayment of the cost thereof be covered by the contract provisions

In such case a copy of the policy showing the interest of the lender or assigns in the motor vehicle or under the policy shall be furnished the lender

(b) A finance charge in excess of one.....(1) per centum per month on the unpaid balance

(c) The imposition of any fines fees or other charges under any pretext

(d) The repossession or the securing of possession of the motor vehicle by the lender other than by due process of law or by the voluntary surrender of possession thereof by the borrower

Section 3 Penalties Inclusion of the provisions prohibited under section two of this act in any such contract shall void such contract insofar as any rights of the lender thereunder

The attempt on the part of the lender to enforce or impose any such conditions upon the borrower whether under the contract or otherwise shall forfeit all rights of the lender in the transaction and shall render the lender subject to the payment to the borrower of the sum of one hundred dollars to be collected as such penalties are now collected by law

Section 4 No lender shall hereafter engage or continue to engage in business in this Commonwealth unless licensed by the Department of Banking as required by this act Every lender shall apply to the Department of Banking on a form prescribed and furnished by that Department for the purpose of being licensed under the provisions of this act and shall accompany such application with a fee of fifty dollars ($50) Every such lender may in the discretion of the Secretary of Banking be licensed except as hereinafter provided The said license shall be issued by the Department of Banking and shall expire on the first day of June next following the date of its issue and no abatement of the license fee shall be made if licenses are issued for less than one year Every such license shall be renewed annually before the first day of June in each year No lender being a corporation shall be licensed unless and until such lender shall in writing and in due form to be approved by the Department of Banking appoint an agent resident of this Commonwealth upon whom all judicial and other legal processes directed to such lender may be served and in case of the death removal from the Commonwealth or any legal disability or disqualification of such agent service of process may be made upon the Secretary of Banking The Department shall have power to reject any application for license if it is satisfied that the character and general fitness of the applicant or of the officers or directors thereof is not such as to command the confidence of the community and to warrant the conclusion that the business will be honestly transacted in accordance with the intent and purpose of this act The Department may revoke any license if the licensee shall violate any of the provisions of this act Whenever any such license is revoked the Department shall not issue another license to such licensee until the expiration of at least one year from the date of the revocation of such license In addition to said license fee said licensee shall pay for the examination by the Department of Banking as hereinafter provided

Section 5 Every applicant for licensure under this act shall execute and file a bond to the Commonwealth of Pennsylvania in the penal sum of five thousand dollars ($5,000) to be approved by the Secretary of Banking conditioned for the faithful observance of all laws relating to such business Said bond shall be executed by a surety company authorized to transact business within this Commonwealth and such bonds shall be renewed and refiled annually not later than the first day of June in each year

Section 6 The license shall fully state the name or names of the lender and of every member of the firm or association authorized to do business hereunder and the location of the office or place of business and in the case of a corporation shall also state the date and place of its incorporation the names of its directors for the period for which the license is issued and the name and address of the agent on whom process may be served Such license shall be posted in a conspicuous place in the office where the business is transacted No lender shall transact or solicit business under any name or at any office or place of business other than that named in the license Not more than one office or place of business shall be maintained under the same license But in the case of a removal the Department of Banking may on application endorse thereon a transfer to the new place of business with the date of transfer and from the date of such endorsement the new place so designated shall be deemed to be the place designated in the license

Section 7 The Department shall by its agents at least once a year or oftener if deemed advisable investigate the business and affairs of every licensee and for that purpose shall have free access to the vaults books and papers thereof and other sources of information with regard to the business of such licensee and shall ascertain the condition of the business and whether it has been transacted

in accordance with law The Secretary of Banking and every examiner appointed by the Department shall have authority to examine under oath or affirmation any person whose testimony relative to the business of any such licensee may be required on any such examination The costs of every such examination shall be paid by the licensee so examined and the Department of Banking may maintain an action for the recovery of such cost in any court of competent jurisdiction

Section 8 Every person copartnership association or corporation or any partner director officer agent or member thereof who shall violate any of the provisions of this act or who shall charge or receive for any advance of money or credit interest in excess of that permitted by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to suffer imprisonment not exceeding six months or both in the discretion of the court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	Mallen,	Schwartz,
Alexander,	Ferko,	Mason,	Shaw,
Allen,	Finnerty,	McCreary,	Shepard,
Altenburg,	Fitch,	McDermott,	Shortz,
Arnold,	Flanagan,	McDevitt,	Shugarts,
Atkins,	Flinchbaugh,	McElroy,	Siegel,
Aukerman,	Flynn,	McHenry,	Simon,
Baine,	Forrest,	McKinney,	Simpson,
Baker, J. J.,	Furman,	Melchiorre,	Sinwell,
Baldi,	Gates,	Mentzer,	Sloan,
Barber,	Gerard,	Merrell,	Smith, J. A.,
Barnhardt,	Gillette,	Moomaw,	Smith, W. G.,
Bernhard,	Green,	Mooney,	Snyder, F. E.,
Blumberg,	Greenstein,	Moore,	Snyder, J. L.,
Boose,	Haberlen,	Moran,	Sowers,
Boyd, R.,	Hagerty,	Moul,	Spangler,
Boyer,	Haluska,	Muir,	Sproul,
Bradley,	Hamilton, F. P.,	Murrin,	Stank,
Brancato,	Hamilton, R. S.,	Nagel,	Stevens,
Brennan,	Harkins,	Nothnagle,	Stewart,
Brown, H. S.,	Harmuth,	O'Keefe,	Stockham,
Brown, J. E.,	Hart,	Ominsky,	Stone,
Brownfield,	Hartman,	O'Neill,	Stott,
Brumbaugh,	Hefferon,	Panton,	Sumney,
Burke,	Hermansen,	Parks,	Surface,
Cannon,	Hetrick,	Patterson, C.,	Tahl,
Caputo,	Hindman,	Patterson, J. W.,	Terry,
Carr,	Hirsch,	Pearson,	Tronzo,
Carson,	Hoffner,	Perry,	Trout,
Castor,	Holland,	Peters,	Tumelty,
Chervenak,	Holstrom,	Pfaff,	VanAllsburg,
Coakley,	Hoopes,	Phillips,	VanSickle,
Cochran,	Horst,	Piole,	Walker,
Cohen,	Jackson,	Powers,	Wall,
Coleman,	Jones,	Reising,	Wasserman,
Condon,	Kane,	Reynolds,	Weidemann,
Conner,	Kelder,	Rhys,	Weiss,
Coolahan,	Kelso,	Rinn,	Welliver,
Cordier,	Kilroy,	Roan,	Welsh,
Davies,	Kinney,	Robinson,	Westrick,
Decker,	Klingler,	Rooney,	White,
Denning,	Kobelak,	Root,	Winner,
Dent,	LaRue,	Ruffennach,	Witkin,
Diehl,	Linderman,	Ruth,	Wood,
Dilley,	Long,	Sarraf,	Yeakel,
Downey, G. E.,	Longaker,	Scanlon,	Yourishin,
Downey, J. J.,	Lovett,	Schrock,	Zappala,
Duffort,	Lynch,	Schrope,	Zimmerman,
Eberharter,	Male,	Schwab,	Sarig,
Eroe,			

NAYS—6

Andrews,	Shreiner,	Wickersham,
Habbyshaw,	Turner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2889 (Senate Bill No. 1316), entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens fees for use of pound nets

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2908 (Senate Bill No. 884), entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2919 (Senate Bill No. 1380), entitled:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E. S. Blackburn deceased in favor of her residuary devises and/or heirs-at-law

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2885 (Senate Bill No. 1262), entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2909 (Senate Bill No. 895), as follows:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In any suit action or proceeding hereafter commenced to enforce the payment of cash by a bank bank and trust company or a trust company acting as fiduciary by reason of the fact that any mortgage upon real estate securing a bond or real estate acquired thereunder constituting a trust investment has been carried in the name of such corporate fiduciary on the public records the court having jurisdiction over such suit action or proceeding may upon such terms and conditions as to it seem necessary and proper under the circumstances of each case stay such suit action or proceeding for a period not exceeding two years from the effective date of this Act upon petition of the corporate fiduciary showing the investment to have been made in good faith for the account of the cestui que trustent and otherwise in compliance with law and that such investment has been kept separate and apart from the corporate assets of the fiduciary on its own books and records and clearly designated thereon as the Property of the cestui que trustent

Section 2 In exercising the powers conferred by this Act the courts shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay that the proceeding would work serious inequity by reason of the economic emergency and the right to stays on writs of execution under existing laws

Section 3 This Act shall not in any manner alter limit or repeal any rights or powers heretofore or hereafter granted to banks banks and trust companies and trust companies respecting the investment of fiduciary funds in mortgage or securities pools or participations therein

Section 4 If any clause phrase section or part of this Act is held by any court to be unconstitutional such ruling shall not affect the validity of the remaining or other portions of this Act it being the Legislative intent that the provisions of this Act are severable

Section 5 All acts or parts of acts inconsistent herewith are suspended while this Act is in effect

Section 6 This Act shall become effective immediately upon final passage by the Legislature and approval by the Governor

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,

Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2899 (Senate Bill No. 167), entitled:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing Department thereof and the administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAlisburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1921 (Senate Bill No. 703), entitled:

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,

Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2810 (Senate Bill No. 348), entitled:

An Act to amend the title and to reenact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2876 (Senate Bill No. 1049), as follows:

An Act to amend clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposi-

tion thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four) are hereby further amended to read as follows

(i) The term "distillery" shall mean and include any premises or plant wherein alcohol or alcoholic liquid is manufactured made and distilled from raw materials blended or rectified or any place wherein alcohol or alcoholic liquid is produced by any method suitable for the production of alcohol The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same

(l) The phrase "winery" shall mean and include any premises and plants where alcoholic liquids or beverages are produced by the process by which wine is produced or premises and plants wherein liquid such as wine is produced and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products under such regulations as are or may be promulgated by the proper agency of the United States Government and such alcohol for that purpose only may be sold or exchanged between wineries holding permits in this Commonwealth without restriction

Section 3 It shall be unlawful for any person without a permit from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may [without a permit] manufacture wine out of grapes grown [by him] in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a permit-holding winery or to any licensee licensed under the Pennsylvania Liquor Control Act in containers having therein not less than one gallon upon the filing of such manufacturer of a bond in the penal sum of five hundred dollars ($500) and the securing of a permit at a fee of twenty dollars ($20) per annum The bond and license shall be under the same terms and provisions as other bonds and licenses provided for by this act

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. RUTH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1284 (Senate Bill No. 233), as follows:

An Act relating to the redemption of real estate purchased by counties at tax sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where heretofore or hereafter real estate shall have been or shall be purchased at tax sale by a county it shall be lawful for the county commissioners in their discretion to permit a redemption of said real estate or part thereof so long as the title thereto remains in the county notwithstanding the period during which the right of redemption existed shall have expired provided all taxes with interest and costs due thereon but less any penalties shall be paid

Section 2 In all cases where heretofore or hereafter real estate shall have been or shall be sold to a county at tax sale under one assessment and the said real estate shall have been divided into parcels and the title of record to such parcels shall have become vested in different owners the county commissioners so long as title remains in the county may permit the owner to redeem the parcel to which he or they shall hold title or have an interest of record by having the said parcel assessed in the manner provided by law and by the payment of the proportion of all taxes with interest and costs due thereon but less any penalties as the assessment so placed upon the parcel shall bear to the assessment upon which the sale was had

Section 3 The county commissioners shall have power to execute and deliver any deeds necessary to render the redemptions authorized by this act effective

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. COHEN asked and obtained permission of the House for the Committee on Appropriations to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House preceeded to the third reading and consideration of House Bill No. 2833 (Senate Bill No. 1150), as follows:

An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws

Section 1 (Fraternal Benefit Societies Defined) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any corporation society order or voluntary association without capital stock organized and carried on solely for the mutual benefit of its members and their beneficiaries and not for profit and having a lodge system and representative form of government or which limits its membership to a secret fraternity having a lodge system and representative form of government and which shall make provision for the payment of benefits in accordance with Section nine hereof is hereby declared to be a Fraternal Benefit Society

Section 2 (Lodge System Defined) Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known into which members shall be admitted in accordance with its constitution laws ritual rules and regulations and which shall provide for the holding of periodical meetings shall be deemed to be operating on the lodge system

Section 3 (Representative Form of Government Defined) Any society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body composed of representatives elected either by the members or by delegates elected directly or indirectly by the members together with such other members as may be prescribed by its constitution and laws provided that the elective members shall constitute a majority in number and not less than the number of votes required to amend its constitution and laws and provided further that the meetings of the supreme or governing body and the election of officers representatives or delegates shall be held as often as once in four calendar years No member under age sixteen shall have voice or vote in the management of the society No member officer representative or delegate shall vote by proxy

Section 4 (Exemption) Except as herein provided every fraternal benefit society secret fraternal beneficial society order or association and fraternal beneficial and relief association operating within the definition of Section One shall be governed by this Act and shall be exempt from all provisions of the insurance laws of this Commonwealth not only in governmental relations with the Commonwealth but for every other purpose and no law hereafter enacted shall apply to them unless they will be expressly designated therein

Section 5 ("Insurer" Not to Apply) The word "Insurer" or any other general designation as used in the laws now in force or hereafter enacted governing any form of insurance whatsoever shall not apply to fraternal benefit societies unless expressly designated therein

Section 6 (Powers Granted) Every such society by its supreme governing or legislative body shall have power to make alter and amend its constitution and laws for the government of the society the management of its affairs the admission and classification of its members the control and regulation of the terms and conditions governing the issue of its benefit certificates and the character or kind of benefits or privileges payable or allowable thereunder the fixing and adjustment of the rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society Such constitution and laws when made and altered and amended shall be the law governing the society and its officers board of directors or managers subordinate or constituent lodges councils or branches and all members and beneficiaries in their relation thereto Each society shall file with the Insurance Commissioner a duly certified copy of its constitution and laws as enacted and as changed added to or amended within ninety days after enactment Printed copies of the same duly certified by the Secretary or corresponding officer thereof shall be prima facie evidence of the legal adoption thereof

Section 7 (Collecting Sufficient Contributions) The laws of every such society from the date of the passage of this Act shall provide that if the stated periodical contributions of the members are insufficient to pay all matured claims in full and to provide for the payment of its benefit fund obligations valued upon a valuation by one of the standards authorized herein and for the creation and maintenance of the funds required by its laws additional or increased rates of contribution shall be collected from the members to meet such deficiency Such laws may also provide that each certificate shall be charged with its proportion of any deficiency disclosed by the valuation herein specified with lawful interest thereon

Section 8 (Waiver of Laws No Personal Responsibility) Unless authorized by express provisions in the constitution and laws of the society no subordinate lodge nor any of its subordinate officers or members shall have power or authority on behalf of the society to waive or modify any of the provisions of the constitution and laws of the society nor to waive any violation forfeiture or default thereof No officer or member of any supreme grand or subordinate body of any such society shall be individually liable for the payment of any of the benefits provided for in its constitution and laws but the same shall be payable only out of the funds of the society and in the manner provided by its laws

Section 9 (Powers to legislate and regulate) Every such society shall provide for the payment of death benefits and may provide for the erection of monuments to mark the graves of its deceased members and shall have power to make alter and amend its constitution and laws for the government of the society to arrange for the management of its affairs the admission and classification of its members to control and regulate terms and conditions governing the issuance of its beneficiary certificates the character or kind of benefits payable or allowable thereunder and the manner in which they are to be paid to fix and adjust rates of contribution fees or dues payable by its members and the allotment of the same to the different funds of the society

Section 10 (Liens) Any society may provide for the acceptance of liens against benefit certificates with interest at not less than four per centum per annum in lieu of cash payments but the total of such liens against any

benefit certificate shall not exceed its share of the accumulation thereunder Any such society collecting a level rate of contribution under any of its benefit certificates based upon any table of mortality allowed for valuation purposes in this act may grant to members holding such certificates extended and paid up protection or such withdrawal equities as may be allowed under its constitution and laws but no such grants or privileges shall exceed in value the portion of the accumulations to the credit of such certificate at the time such grant or privilege is allowed

Subsection 1 (Certificates to Specify Amount and Conditions) Every beneficiary certificate shall specify the amount of benefits furnished thereunder and shall provide that the certificate charter or articles of incorporation or if a voluntary association the articles of such association the constitution and laws of the society the application for membership and medical examination or health certificate signed by the applicant and all amendments to each thereof shall constitute the agreement between the society and the member Copies of the same certified by the Secretary of the Society or corresponding officer shall be received in evidence of the terms and conditions thereof and any changes additions or amendments to said charter or articles of incorporation or articles of association if a voluntary association constitution or laws made or enacted subsequent to the issuance of the beneficiary certificates shall bind the member and his beneficiaries and shall govern and control the agreement and in all respects the same as though such changes additions or amendments had been made prior to and were in force at the time of the application for membership

Subsection 2 (Other Benefits Permitted) Any society may enter into contracts in such other forms and granting such benefits as its laws may authorize when it shall provide for the accumulation and maintenance of assets required for the payment of such benefits when valued upon an interest basis not exceeding four per centum per annum and mortality standards adopted by it within the limitations provided in the statutes relating to fraternal benefit societies or at the option of the society in the statutes relating to life insurance companies Provided that any certificates issued on a renewable term basis shall set forth clearly thereon the successive future rates of contribution to be paid thereunder and same to be submitted to and approved by the Insurance Commissioner before being issued in this Commonwealth

Subsection 3 (Approval Required and Penalty for Violation) It shall be unlawful for any such society doing business in this Commonwealth to issue sell or dispose of any certificate or contract providing benefits to its membership or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and approved by the Insurance Commissioner and copies filed in the Insurance Department

Any person corporation order or society that shall either as principal or agent issue or cause to be issued any contract or certificate of insurance within this Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation order or society (2) refuse for a period not to exceed one year thereafter to issue a new license to such corporation order or society (3) impose a fine of not more than one thousand dollars for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

Section 11 (Members and Beneficiaries) Any person may be admitted to beneficial or general or social membership in any society in such manner and upon such showing of eligibility as the laws of the society may provide and any beneficial member may direct any benefit to be paid to such person or persons entity or interest as may be permitted by the laws of the society provided that no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable in conformity with the provisions of the contract of membership and the member shall have full right to change his beneficiary or beneficiaries in accordance with the laws rules and regulations of the society

Section 12 (Beneficiary Predeceases Member) If any beneficiary under a certificate die before the member and no new designation shall have been made by him and the constitution and laws of the society shall have made no provision for such contingency the benefits under the certificate or certificates shall then be paid to the surviving beneficiary or beneficairies if any and if none of the beneficiaries named in the certificate shall survive the member the benefits shall then be paid to the executor or administrator of the deceased member to be by him paid over to or divided among the person or persons entitled to the personal estate of such deceased member under the intestate laws of the place of domicile of such member

Section 13 (Minimum Age for Admission) Any such society may admit to beneficial membership any person not less than sixteen and it shall be lawful for minors who have attained the age of sixteen years to make all needed contracts and assume all needful obligations to become members Nothing herein contained shall prevent such society from accepting general or social members

Section 14 (Funds) Any society may create maintain invest disburse and apply an emergency surplus or other fund consistent with the purposes for which such society is organized including hospital and health home thrift pension for its employes patriotic educational and relief or other funds in accordance with its laws Unless otherwise provided in the constitution and laws of the society such funds shall be held invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof All societies hereafter incorporated or foreign societies hereafter admitted shall be one hundred per cent solvent according to the valuation requirements of this Act

Section 15 (Funds Securities) The funds from which benefits shall be paid and the funds from which expenses of the society shall be defrayed shall be derived from regular monthly or other periodical rates of contribution paid by the members of the society and accretions of said funds as apportioned in accordance with the constitution and laws of the society and no part of any funds set aside for the payment of benefits shall be used for expenses or other purposes that would impair the valuation of certificates herein provided Except as herein otherwise allowed every domestic society shall invest its funds only in securities permitted by the laws of this Commonwealth for the investment of the reserves of life insurance companies Unless the approval of the Insurance Commissioner shall be first obtained in writing no domestic society shall keep or maintain at a place outside this Commonwealth any securities or other assets except such as are necessary for the collection of current dues and to enable it to comply with the laws of any other state or foreign country for the purpose of transacting business therein

Section 16 (Benefits not Attachable) Every such society is hereby declared to be a charitable and benevolent institution and all of its funds shall be exempt from all and every state county district municipal and school tax other than taxes on real estate No money or other benefit charity relief or aid to be paid provided or rendered by any such society shall be liable to attachment garnishment or other process or be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary or any other persons who may have a right thereunder either before or after payment

Section 17 (Incorporation) Notice From and after the passage of this Act fifteen or more persons ten of whom shall be citizens and residents of this Commonwealth hav-

ing associated themselves together as a fraternal benefit society may be incorporated under the provisions of this Act Notice of intention to apply for articles of incorporation shall be given by advertisement once in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred and eighty-four) printed and published in the place where the society shall have its principal office located and in the legal newspaper if any of the proper county Advertisements shall appear at least three days prior to the day fixed for the filing of the articles of incorporation with the Secretary of the Commonwealth Said notice shall fix a time for filing objections with the Insurance Commissioner to said proposed corporation and a hearing thereon shall be held by the Insurance Commissioner after not less than five days notice shall be given to the objectors

First The articles of agreement must be signed in duplicate with the names and addresses of at least five of the subscribers and shall be acknowledged before some person empowered to receive acknowledgments of deeds and shall state

(a) The proposed corporate name of the society which shall not so closely resemble the name of any society or insurance company already transacting business in this Commonwealth as to mislead the public or to lead to confusion

(b) The purpose for which it is formed which shall not include more liberal powers than are granted by this Act Any lawful social intellectual educational charitable benevolent moral or religious advantages may however be set forth among the purposes of the society

(c) The mode in which its corporate powers are to be exercised

(d) The place where its principal office shall be located within this Commonwealth

(e) The names residence and official titles of all the officers trustees directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or to the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election shall be held not later than one year from the date of the issuance of the permanent certificate

Second Such articles of agreement and duly certified copies of the constitution and laws rules and regulations and copies of all proposed forms of benefit certificates applications therefor and circulars to be issued by such society and a bond in the sum of five thousand dollars with sureties approved by the Insurance Commissioner conditioned upon the return to applicants of the advanced payments as provided in this section if the organization is not complete within one year shall be filed with the Insurance Commissioner He may require such further information as he deems necessary and if the purpose of the society conform to the requirements of this Act and all provisions of law have been complied with the Insurance Commissioner shall so certify and retain and file the articles of agreement and furnish the incorporator a preliminary certificate authorizing said society to solicit members as hereinafter provided but no preliminary certificate granted under the provisions of this section shall be valid after one year from its date or after such further period not exceeding one year as may be authorized by the Insurance Commissioner upon the cause shown

Third Upon receipt of said certificate from the Insurance Commissioner said society may solicit members for the purpose of completing its organization It shall collect from each applicant the amount of not less than one regular monthly payment in accordance with its table of rates as provided by its constitution and laws and shall issue to each such applicant a receipt for the amounts so collected No society shall incur any liability other than for such advanced payments nor issue any benefit certificates nor pay or allow or offer or promise to pay or allow to any person any death disability or other benefits until

(a) Actual bona fide applications for death benefit certificates have been secured upon at least five hundred lives for at least five hundred dollars each

(b) There shall be established five subordinate lodges or branches into which said five hundred applicants have been initiated

(c) There has been submitted to the Insurance Commissioner under oath of the President and Secretary or corresponding officers of such society a list of such applicants giving their names addresses date initiated name and number of the subordinate branch of which each applicant is a member amount of benefits to be granted rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligations contracted when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August twenty-third one thousand eight hundred and ninety-nine or any higher standard at the option of the society and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience with an interest assumption not higher than four per centum per annum

(d) It shall be shown to the Insurance Commissioner by the sworn statement of the Treasurer or corresponding officer of such society that not less than five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per five hundred dollars of benefits to be effected which payments in the aggregate shall amount to at least five hundred dollars and be credited to the mortuary or disability fund on account of such applicants no part of which may be used for expenses Such advanced payments shall be held in trust during the period of organization and if the organization is not completed within one year as hereinafter provided shall be returned to said applicants

Fourth The Insurance Commissioner may make such examination and require such further information as he deems advisable and upon presentation of satisfactory evidence that the society has complied with all provisions of the law relating to the incorporation of fraternal benefit societies as provided by this Act he shall issue to such society a certificate to that effect and certify in duplicate that all the requirements of this Act in relation to the incorporation of fraternal benefit societies have been complied with and submit said articles of agreement to the Attorney General for examination and if found by him to be in accordance with the provisions of this Act and not inconsistent with the Constitution of this Commonwealth and of the United States he shall certify the same in duplicate to the Governor with his approval endorsed thereon

Upon receipt of such articles of agreement certified as aforesaid the Governor shall in case he approves the same endorse his approval thereon in duplicate and cause letters patent to issue creating the subscribers to the said articles of agreement and their associates into a body corporate with general powers

(a) To have succession by its corporate name perpetually subject to the powers of the General Assembly under the Constitution of the Commonwealth

(b) To maintain and defend judicial proceedings

(c) To make and use a common seal and alter the same at pleasure

(d) To be capable of taking receiving purchasing holding and transferring real and personal property for the purpose of its incorporation

(e) To elect or appoint and remove its officers and agents for the management of its business and the carrying out of its objects and to allow them a suitable compensation

(f) To make a constitution and general laws for the government of the society the management of its affairs the admission and classification of its members and the control and regulations of the terms and conditions governing the issue of its benefit certificates as authorized and provided for by the provision of this Act

(g) To provide for the payment of benefits to its members and their beneficiaries in such manner and for such amounts as may be authorized and directed by its constitution or by-laws not inconsistent with the provisions

of this Act To collect from its members by admission fees per capita tax dues or rates of contribution the funds necessary to carry on its business and provide for the payment of its obligations To enter into any obligations necessary for the transaction of its affairs

(h) To carry on its operations through a supreme or governing body board of directors or executive committee and subordinate lodges councils or branches Meetings of its supreme legislative or governing body may be held in any state district province or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if the same were held in this Commonwealth but its principal office shall be located in this Commonwealth

Fifth The Secretary of the Commonwealth shall cause the articles of agreement aforesaid together with the proceedings had thereon and certificate to the Governor after the approval of the Governor has been endorsed on said articles of agreement and letters patent have been issued to be recorded in a book kept for that purpose and he shall return one of the said articles of agreement to the society which shall have the same recorded in the Recorder's office of the county in which the principal office of said society is located

Sixth The Secretary of the Commonwealth shall furnish the Insurance Commissioner with a certified copy of said letters patent and shall also certify the duplicate articles of agreement with all endorsements thereon and file same in the office of the Insurance Commissioner and certified copies of the same may be used in evidence for or against the society with the same effect as the original

Section 18 (Incorporation Rights Preserved) Any society heretofore organized or incorporated under any Act of the General Assembly of the Commonwealth of Pennsylvania which is now engaged in transacting business in this Commonwealth may exercise after the passage of this Act all the rights conferred hereby and all the rights powers privileges and exemptions now exercised or possessed by it under its charter or articles of incorporation or articles of association or at its option it may be reincorporated or reorganized hereunder but no society already incorporated shall be required to reincorporate hereunder nor shall its existence as a corporation nor its right to exercise any corporate rights vested in it by virtue of its past incorporation be affected by anything contained herein

Section 19 (Examination) The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employees or other persons in relation to the affairs transactions and conditions of the society

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a Receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 20 (Mergers) No domestic society shall merge with or reinsure with or accept the transfer of the membership or funds of any other society unless such merger reinsurance or transfer is evidenced by articles of agreement in writing setting forth in full the terms and conditions of such merger reinsurance or transfer and a statement describing the character of business the merged society desires to transact which shall conform to that permitted by this Act and filed with the Insurance Commissioner of this Commonwealth together with a sworn statement of the financial condition of each of said societies by its President and Secretary or corresponding officers and a certificate of such officers duly verified under oath of said officers of each of the contracting societies that such merger reinsurance or transfer has been approved by a majority vote of the members of the supreme legislative or governing body of each of said societies or by a referendum vote showing a majority of the subordinate bodies of each of the several societies so merging favorable to such merger

Upon the submission of the said articles of agreement financial statements and certificates in duplicate the Insurance Commissioner shall examine the same and if he shall find such financial statements to be correct and the said articles of agreement to be in conformity with the provisions of this Act and that such merger or transfer is just and equitable to the members of each of said societies he shall approve said merger reinsurance or transfer in duplicate issue his certificate to that effect and thereupon the said articles of agreement reinsurance or transfer shall be in full force and effect Nothing herein contained shall preclude any society from reinsuring all or part of any individual risk with any other society or company

Section 21 (Renewal of License) Foreign societies which are now authorized to transact business in this Commonwealth may continue such business until the first day of April next succeeding the passage of this Act and the authority of such societies may thereafter be renewed annually but in all cases to terminate on the first day of the succeeding April Every license shall continue in full force and effect until the new license be issued or specifically refused For each license or renewal the society shall pay the Insurance Commissioner twenty dollars A duly certified copy or duplicate of such license shall be prima facie evidence that the licensee is a fraternal benefit society within the meaning of this Act and that it may invest its assets as required by the laws of the state district territory province or country where it is organized

Section 22 (License) No foreign society shall transact any business in this Commonwealth without a license from the Insurance Commissioner Any such society may be licensed upon filing with the Commissioner (a) A duly certified copy of its charter or articles of association (b) a copy of its constitution and laws certified by its Secretary or corresponding officer (c) a power of attorney to the Insurance Commissioner as hereinafter provided (d) a statement of its business under oath of its President and Secretary or corresponding officers in the form required by the Commissioner and duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the Insurance Commissioner of this Commonwealth (e) a certificate from the proper official in its home state province or country that the society is legally organized (f) a copy of its certificate of membership which must show that benefits are provided for by periodical or other payments by persons holding similar certificates (g) a valuation report of its benefit fund obligations in force on December thirty-first last preceding in the manner required by Section twenty-nine of this Act and furnishing the Commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working

Upon compliance with these requirements such foreign society shall be licensed to do business in this Commonwealth until the first day of the succeeding April and

such license shall upon compliance with the provisions of this Act be renewed annually as hereinbefore provided

Every foreign society desiring admission to this Commonwealth shall have the qualifications required of domestic societies organized under this Act and have its benefit fund obligations valued upon a valuation by any one of the standards authorized herein and have its assets invested as required by the laws of the state territory district country or province wherein it was organized When the Insurance Commissioner refuses to license any society or revokes its authority to do business in this state he shall reduce his ruling or decision to writing and file the same in his office and shall furnish a copy thereof together with a statement of his reason to the officers of the society upon request and the action of the Insurance Commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the Commonwealth Nothing contained in this or the preceding section shall however be taken or construed as preventing any such society from continuing in good faith all contracts made in this Commonwealth during the time such society was legally authorized to transact business herein

Section 23 (Process of Service) Every foreign society now doing business in or applying for admission to this Commonwealth shall by a duly executed instrument filed in the office of the Insurance Commissioner constitute and appoint the Insurance Commissioner or his successors its true and lawful attorney upon whom all lawful processes in any action or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the society and that the authority shall continue in force irrevocable so long as any liability of the society remains outstanding in this Commonwealth

The service of such process shall be made by registered mail or by leaving copies of the same in duplicate in the hands or office of the Commissioner at Harrisburg One copy of such instrument certified by the Commissioner or his deputy as having been served upon him shall be deemed valid service upon the society

When legal process is served upon the Commissioner as attorney for a foreign society he shall forthwith forward one of the duplicate copies of process served on him to its Secretary or corresponding officer or to such other person as may have been previously designated by the society by written notice filed in the Office of the Commissioner As a condition of valid and effective service and of the duty of the Commissioner in the premises the plaintiff in each such process shall pay to the Commissioner at the time of service thereof the sum of two dollars which the said plaintiff shall recover as taxable costs if he prevails in the suit The Commissioner shall keep a record of all such processes which shall show the day and hour of service

Section 24 (Examination of Foreign Societies) The Insurance Commissioner or his deputy or examiner or any person whom he may appoint may examine any foreign society transacting or applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 25 (Exceeding Powers) When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this Act has exceeded its power or has failed to comply with any provisions of this act or is conducting business fraudulently he shall notify the society of his findings in writing the grounds of his dissatisfaction and after reasonable notice require the society on a date fixed to show cause why its license should not be revoked

If on the date named in said notice such objections have not been removed to the satisfaction of the said Insurance Commissioner or the society does not present good and sufficient reasons why its authority to transact business in this Commonwealth should not at that time be revoked he may revoke the authority of the society to continue business in this Commonwealth

Section 26 (Statement not Made Public) Pending during or after an examination or investigation of any society either domestic or foreign the Insurance Commissioner shall make public no financial statement report or finding nor shall he permit to become public any financial statement report or finding affecting the status standing or rights of any such society until a copy thereof shall have been served upon such society at its home office nor until such society has been afforded a reasonable opportunity to answer any such financial statement report or finding and to make such showing in connection therewith as it may desire

Section 27 (Revoking License) Before the Insurance Commissioner shall refuse to license any foreign society or shall revoke its authority to do business in this State he shall furnish to such society a concise statement of his reasons for such proposed refusal or revocation and give notice of a time and place of hearing at which such society may show cause why a license should be granted to it or why the license granted to it should not be revoked as the case may be

Upon request made to the Insurance Commissioner by such society he shall issue subpoenas to summon such witnesses as the society may desire to summon and upon the filing of a petition by such society duly verified by oath showing that the testimony of certain persons named therein is competent and relevant to the issues to be heard by the Commissioner and that such persons are outside the State of Pennsylvania he shall appoint a suitable person duly qualified by law to administer oaths as a Commissioner to take the testimony of such persons at such place or places specified in the petition as the testimony of such witnesses may be obtained Such testimony shall be taken upon oral examination and cross examination or upon written interrogatories and cross interrogatories as the Insurance Commissioner may determine and when so taken shall be reduced to writing and certified to the Insurance Commissioner by the Commissioner so appointed and shall be made a part of the record of such hearing before the Insurance Commissioner The cost of issuing said subpoenas shall be paid to the Commissioner by the society

Any notice of hearing required by this Act shall be sufficient if sent by registered mail addressed to the society or to its president at its principal office in its home state territory province or country A full and complete record shall be kept of all proceedings had before the Insurance Commissioner at any hearing and all testimony taken at such hearings shall be reported stenographically and the completeness and accuracy of the record shall be certified by the Insurance Commissioner

All decisions rulings and findings of the Insurance Commissioner made under this Act together with a statement of his reasons therefor shall be reduced to writing and filed in his office and he shall serve a copy thereof upon the society by registered mail addressed to the society or its President at its principal office in its home state territory province or country and the action of the Insurance Commissioner shall be reviewable upon appeal to the Court of Common Pleas of Dauphin County in the following manner

Any society aggrieved by any decision ruling or finding of the Insurance Commissioner may file within thirty days thereafter in the Court of Common Pleas of Dauphin

County a petition against the Commissioner officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Thereupon a summons shall issue returnable in ten days and shall be served with a copy of the petition upon the Insurance Commissioner On or before the return day the Commissioner shall file an answer in which he shall allege by way of defense the grounds of his decision He shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers Such record shall include the testimony taken thereon the findings of fact and conclusions if any made by the Commissioner based upon such testimony a copy of all notices and statements of reasons issued and served by the Commissioner in the proceedings and a copy of the decision ruling or finding of the Commissioner with his statement of reasons which the petition calls upon the court to reverse The cost of preparing and certifying such record shall be paid to the Commissioner by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the Commissioner's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party made thereafter the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the Commissioner shall be disregarded

Such appeal or other proceeding for review shall be a supersedeas and in every case the said decision order or ruling of the Insurance Commissioner shall be suspended and abide the final determination of the appeal or other proceeding for review

The case shall be heard upon the record certified to the Court by the Commissioner Additional testimony shall not be taken by the Court but the Court may in proper cases remit the record of the Commissioner for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken to the Supreme Court of Pennsylvania as in other cases

In the case of any appeal or other proceeding for review heretofore taken from the decision of the Insurance Commissioner refusing to license any such society or revoking its authority to do business and now pending and undetermined in any Court of this Commonwealth the Court may make an appropriate order remanding the decision ruling or finding appealed from the Insurance Commissioner with directions to proceed in conformity with the provisions of this Act and the making of such order shall restore the status of the appellant society as it was before the making of the decision ruling or finding appealed from

Section 28 (Annual Statement) Every society transacting business under this Act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its President and Secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such year It shall also furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The Commissioner may at other times require any further statement he may deem necessary to be made relating to such society

Section 29 (Valuation Report) In addition to the annual report herein required each society shall annually report to the Commissioner a valuation of its benefit fund obligations in force on December thirty-first last preceding excluding those entered into within the year for which the report is filed in cases where the contributions for the first year in whole or in part are used for current expenses Such report of valuation shall show as contingent liabilities the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation at not more than four per cent interest less such portion thereof as may have been assumed by other associations or companies and as contingent assets the present mid-year value at the same rate of interest of the future net contributions provided in its Constitution and laws as the same are in practice actually collected

In lieu of the above valuation any society at its option may show the net value of its benefit fund obligations subject to valuation at the rate of interest as hereinbefore provided and said net value when computed in the case of monthly contributions may be the mean of the terminal value for the end of the preceding and of the current certificate years from which said tabular values shall be deducted such portion thereof as may have been assumed by other associations or companies

Each valuation report shall be certified by a competent accountant or actuary or at the request and expense of the society verified by the actuary of the Department of Insurance of the home state of the society and shall be filed with the Insurance Commissioner on or before the first day of April succeeding the submission of the last preceding annual report

The minimum standard of valuation for death benefit fund obligations shall be the National Fraternal Congress Table of Mortality hereinbefore referred to or at the option of the society by any other standard table or a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with an interest assumption of not more than four per cent

Every valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation Any society providing for disability benefits shall keep a separate account of the same in its said valuation report shall charge as a liability the balance to the credit of such fund or funds at the date of such valuation Where a combined contribution table is used by a society for both death and permanent and total disablity benefits the valuation may be of death benefit only and in such case a separate accounting shall not be required

A report of such valuation with such explanations as the society may deem advisable shall be printed and mailed to each beneficial member of the society not later than July first of each year or in lieu thereof may be published in the society's official paper and the issue containing the same mailed to each beneficial member of the society

Section 30 (Valuation Accumulation Basis) In lieu of the valuation hereinbefore required any society may value its certificates on a basis herein designated "accumulated basis" by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned and by charging him with his share of the losses for each year herein designated "cost of insurance" and carrying the balance if any to his credit The charge for the cost of insurance may be according to the actual experience of the society as applied to a table of mortality recognized by the law of this Commonwealth and shall take into consideration the amount at risk during each year which shall be the amount payable at death less the credit to the member

Unless specifically provided in its constitution or laws no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit If after the first valuation any member's share of losses for any year exceeds his credit including the contributions for the year the contributions shall be increased to cover his share of the losses

Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on transfer shall be entitled to take such application to his credit as provided in the laws of the society Certificates issued re-rated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon

assumption for mortality and interest recognized by the law of this Commonwealth shall be valued on such basis herein designated the "tabular basis" Provided that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate the same shall be valued on the accumulation basis

Whenever in any society having members upon the tabular basis and upon the accumulation basis the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year the deficiency may be met for years from the available funds after setting aside all credits in the reserve or from increased contributions or by an increase in the number of assessments applied in the society as a whole or to classes of members as may be specified in its laws Savings from a lower amount of death losses may be returned in like manner as may be specified by its laws

If the laws of the society so provide the assets representing the reserves of any separate class of members may be carried separate for such class as if an independent society and the required reserve accumulation of such class so set apart shall not thereafter be merged with the assets of other classes of the society

A table showing the credits to individual members for each year and age of entry and showing opposite such credits the tabular reserve required in the whole life or other plan of insurance specified in the contract according to assumptions for mortality and interest recognized by the law of this Commonwealth and adopted by the society shall be filed by the society with each annual report and also be furnished to each member before July first of each year

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the credit for such member and giving the tabular reserve and level rate required for the transfer carrying out the plan of insurance specified in the contract No table or statement need be made or furnished where the reserves are maintained on the tabular basis For this purpose individual bookkeeping accounts for each member shall not be required and all calculations may be made by actuarial methods

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis as any society may provide by or pursuant to its laws nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in its constitution and laws If the valuation of the certificates as hereinbefore provided shall show that the present value of future net contributions together with the admitted assets is less than the present value of the promised benefits and accrued liabilities such society shall either collect additional assessments or increase the rates of contribution from the members to meet such deficiency or classify its members according to the adequacy of the rates they are contributing and charge each class with its proportion of any deficiency disclosed by any such valuation

Section 31 (False Statements) Any person or officer member or examining physician of any society authorized to do business under this Act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with the reference to any application for membership or for the purpose of obtaining money from or benefit in any society transacting business under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and imprisonment in the county jail for not less than thirty days or more than one year in the discretion of the Court

Any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procurring payment of a benefit named in the certificate of such holder in any such society for the purpose of procurring payment of a benefit named in the certificate of such holder and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this Act shall be guilty of perjury and shall be proceeded against and punished as provided by the statutes of this Commonwealth in relation to the crime of perjury

Section 32 (Unlicensed Society Soliciting Members) Any society or person who shall solicit membership for or in any manner assists in procuring membership in any fraternal benefit society not authorized to do business in this Commonwealth shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred nor more than one thousand dollars and any society so violating the provisions of this Act shall be denied by the Insurance Commissioner a license or right to do business within this Commonwealth

Any society officer agent or employee of any society neglecting or refusing to comply with or violating any of the provisions of this Act the penalty for which refusal or violation is not specified shall upon conviction thereof be fined not exceeding one thousand dollars or imprisonment in the county jail for not less than thirty days nor more than one year or both at the discretion of the Court

Section 33 (Spreading False Statements) Any person who publishes spreads or communicates or causes to be published spread or communicated any false statement or rumor concerning any fraternal benefit society operating under the provisions of this Act for the purpose of inducing any member to cancel his certificate therein or withdraw therefrom or with the intent to lessen the value of any such certificate shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and imprisonment in the county jail for not less than thirty days nor more than one year at the discretion of the Court

Section 34 (Societies Exempted) Nothing contained in this Act shall be construed to affect or apply to grand or subordinate lodges of purely social or labor organizations nor to societies which limit their membership to any one hazardous occupation nor to domestic societies which limit their membership to a particular religion or to the employees of a particular city or town designated firm business house or corporation nor to domestic lodges orders or associations of a purely religious charitable and benevolent description which do not provide for a benefit of more than three hundred dollars to any one person in any one year

And this Act shall not be construed to affect or apply to similar societies which do not issue benefit certificates nor to an association of local lodges of a society now doing business in the Commonwealth which provide death benefits not to exceed five hundred dollars to any one person or disability benefits not exceeding three hundred dollars in any one year to any one person or both nor to any contracts of reinsurance business on such plan in this Commonwealth But any society conducting an insurance branch and issuing certificates and paying death benefits of more than five hundred dollars such insurance branch of that society shall comply with the provisions of this Act

Any society heretofore organized and now actually operating in this Commonwealth which limits its membership to the members of one or more fraternal orders which said members are required to have been proposed elected by ballot initiated and obligated through subordinate lodges under prescribed ritualistic ceremonies shall be regarded as hereby complying with the requirements of this Act as to subordinate lodges and the admission of members therein and shall upon compliance with all other provisions of this Act be deemed a fraternal benefit society operating on the lodge system and entitled to a license as such hereunder

Section 35 (Societies Paying Accident Benefits only Licenses) Any fraternal benefit society heretofore organized and incorporated and operating within the definition set forth in section one of ths Act providing for benefits in case of death or disability resulting solely from accidents but which does not obligate itself to pay death or sick benefits generally may be licensed under the provisions of this Act and shall have all the privileges and

shall be subject to all the provisions of this Act except the provisions requiring valuation of benefit fund obligations and that the certificate shall specify the amount of benefit

Section 36 (Beneficial Societies Exempt) Beneficial societies other than those specifically exempted herein without ritualistic work or a representative form of government transacting any class of insurance shall not be required to comply with this Act All such societies or associations shall on and after the passage of this Act file with insurance Commissioner copies of their charter constitution and laws and annually thereafter make a report in such form as the Commissioner may require showing their condition and standing on the thirty-first day of December preceding and of their transactions for the year and the Commissioner may at any time make an examination of the books and accounts of any such society

Section 37 (Change of Location of Principal Place of Business) Any fraternal society within this Commonwealth may change its principal office or place of business to any other place within this Commonwealth A notice that such location has been changed shall be filed by the Secretary of the society under the corporate seal in the Prothonotary's office in the County to which said office or place of business has been removed in the Prothonotary's office in the county from which said office has been removed in the office of the Insurance Department and in the office of the Department of State ten days before the change shall take effect

Section 38 (Notice Required for Agreement with the Beneficiary) No contract between a member of a fraternal benefit society and his beneficiary that the beneficiary or any person for him shall pay such member's assessments and dues or either of them shall give the beneciary a vested right in the benefit certificate or in the benefits or deprive the member of the right to change the name of the beneficiary or revoke the certificate if any issued by the Association provided that such change or revocation be done by written or printed notice to the association in the manner and form provided by its by-laws Provided also that in the event of any contract between the member and a beneficiary a copy of such contract in writing shall be delivered to the home office of the society forthwith If no such copy of the said contract is delivered as above stated and the society in good faith pays the named beneficiary it shall be released from any further liability

Section 39 (Disappearance) No proceeding in any Court of this Commonwealth whereby a person is adjudged a presumed decedent under existing laws shall be binding upon any fraternal benefit society nor shall such finding by any court be offered in evidence as prima facie or other evidence of the death of said presumed decedent in a later proceeding against the society unless thirty days notice of such proceeding is given to the home office of such fraternal benefit society of the time and place of such hearing and opportunity given to said fraternal benefit society to appear in such proceedings as intervenor if it so elects

Section 40 (Junior Membership) Any fraternal benefit society authorized to do business in this State and subject to supervision regulation and examination by the Insurance Commissioner may provide in its laws in addition to other benefits provided for therein for insurance and or annuities upon the lives of children at any age upon the application of some adult person as the laws of such society may provide Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children nor shall they have any voice in the management of the society

Subsection 1 (Contributions) The contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six" the "American Experience Table" and Craig's Extension thereof or such other mortality table as may be approved by the Insurance Commissioner with an assumed rate of interest not exceeding four per cent

Subsection 2 (Reserve Requirements) Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided herein

Subsection 3 (Powers) A society shall have full power to provide for means of enforcing payment of contribution designation of beneficiaries and changing such designations and in all other respects for the regulation government and control of such certificates and all rights obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this Act.

Section 41 (Repealers) The Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred sixteen) entitled an Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as Attorney for service of process providing penalties for any violations of the Act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws and the amendments thereto be and the same is hereby repealed

The Act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws one hundred seventy-seven) entitled an Act authorizing fraternal benefit societies to provide for insurance and annuities upon the lives of children be and the same is hereby repealed

All other acts or parts of Acts inconsistent with this Act are repealed Provided however that no repeal provided for in this section or otherwise shall affect the rights of societies heretofore incorporated to exercise all the corporate powers possessed by them at the time of the passage of this Act

Section 42 (Constitutionality) The provisions of this Act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this Act It is hereby declared as a legislative intent that this Act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 43 (Effect of Act) The provisions of this Act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any provisions of law shall not revive any law heretofore repealed or superseded nor shall this act affect any act done liability incurred or any right accrued and established or any suit or prosecution civil or criminal pending or to be instituted to enforce any right or penalty or punish any offense under the authority of the repealed laws Any persons who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof

Section 44 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,

Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2786 (Senate Bill No. 300), entitled:

An Act providing that parties furnishing material supplies fixtures or equipment to buildings under bailment lease or conditional sales contract shall not have the right to file mechanics liens therefor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsh,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2873 (Senate Bill No. 1005), entitled:

An Act to amend the penal clause of section nine hundred and three of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2880 (Senate Bill No. 484), entitled:

An Act to amend section seven of the act approved the eighteenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" as amended further regulating the construction of voting machines

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. ROAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2910 (Senate Bill No. 935), entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,

Cordier,	Kilroy,	Rooney,	White.
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood.
Diehl,	Linderman,	Scanlon,	Woodside.
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Erce,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1481 (Senate Bill No. 53), entitled:

An Act to amend section eight of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws four hundred eighty-three) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" as amended further regulating pleadings where a party to an action requires proof of the opposite party of facts which are under the exclusive control of the opposite party or the truth of which cannot be ascertained after reasonable investigation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Erce,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2935 (Senate Bill No. 1243), entitled:

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the revisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing the method by which a foreign business corporation may change the address of its registered office.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,

Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2930 (Senate Bill No. 213), entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Mcomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2932 (Senate Bill No. 1025), entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies of the record of certified copies of certificates competent evidence for all purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Mcomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,

Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Mr. KILROY. Mr. Speaker, I desire to call up House Bill No. 2907, Senate Bill No. 458, Printer's No. 600, on page 18 of today's calendar, bill on third reading which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2907 (Senate Bill No. 458), entitled:

An Act relating to the playing of certain sports on Sunday prohibiting such sports on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same providing penalties and repealing inconsistent laws.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—115

Achterman,	Downey, J. J.,	Linderman,	Ruffennach,
Andrews,	Eberharter,	Long,	Ruth,
Baine,	Eroe,	Longaker,	Sarraf,
Baker, J. J.,	Falkenstein,	Lovett,	Scanlon,
Baldi,	Ferko,	McDermott,	Schrope,
Barber,	Finnerty,	McDevitt,	Schwartz,
Barnhardt,	Fitch,	McElroy,	Shaw,
Bernhard,	Flanagan,	Melchiorre,	Shepard,
Blumberg,	Furman,	Mentzer,	Shreiner,
Boyd, R.,	Gerard,	Moomaw,	Shugarts,
Boyer,	Green,	Mooney,	Simon,
Bradley,	Greenstein,	Moore,	Sinwell,
Brancato,	Haberlen,	Moran,	Sowers,
Brown, H. S.,	Hagerty,	Nothnagle,	Stank,
Burke,	Haluska,	O'Keefe,	Tahl,
Cannon,	Hamilton, F. P.,	Ominsky,	Tronzo,
Caputo,	Hamilton, R. S.,	O'Neill,	Tumelty,
Carr,	Harkins,	Patterson, C.,	Turner,
Chervenak,	Hart,	Patterson, J. W.,	Walker,
Cochran,	Hirsch,	Peters,	Wasserman,
Cohen,	Holland,	Pfaff,	Weidemann,
Coleman,	Holstrom,	Piole,	Weiss,
Condon,	Hoopes,	Powers,	Welsh,
Conner,	Jackson,	Reynolds,	Westrick,
Coolahan,	Kelder,	Rhys,	Winner,
Davies,	Kilroy,	Roan,	Witkin,
Denning,	Kinney,	Robinson,	Yourishin,
Dent,	Kobelak,	Rooney,	Zappala,
Diehl,	LaRue,	Root,	Sarig,

NAYS—63

Alexander,	Gates,	Moul,	Snyder, J. L.,
Allen,	Gillette,	Muir,	Spangler,
Altenburg,	Habbyshaw,	Murrin,	Stewart,
Arnold,	Hermansen,	Nagel,	Stockham,
Atkins,	Hetrick,	Panton,	Stott,
Aukerman,	Hindman,	Pearson,	Sumney,
Boose,	Hoffner,	Reising,	Surface,
Brennan,	Horst,	Rinn,	Terry,
Brown, J. E.,	Jones,	Schrock,	VanAllsburg,
Brumbaugh,	Kelso,	Schwab,	VanSickle,
Carson,	Klingler,	Shortz,	Wall,
Castor,	Male,	Simpson,	White,
Decker,	McCreary,	Sloan,	Wickersham,
Dilley	McHenry,	Smith, J. A.,	Wood,
Flinchbaugh,	McKinney,	Smith, W. G.,	Woodside,
Flynn,	Merrell,	Snyder, F. E.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Mr. GATES. Mr. Speaker, I desire to call up House Bill No. 3010, Printer's No. 1547, on page 14 of today's calendar, bill on third reading which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3010, entitled:

An Act to provide revenue by imposing a State tax upon the privilege to attend or engage in amusements and sports on Sunday requiring persons partnerships associations or corporations conducting places of amusements and sports on Sunday to secure permits imposing duties and conferring powers upon the Department of Revenue prescribing the method and manner of collecting the tax and its payment into the State Treasury permitting refunds of the tax in certain instances and providing penalties.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCHWARTZ. Mr. Speaker, I would like to ask the sponsor of this bill, Mr. Gates, to explain the purpose of it.

Mr. GATES. Mr. Speaker and members of the House, many members here are like myself, first year men. Before coming to the Legislature, we, as laymen, unfortunately, paid little attention to the important question of old age assistance, each of us paying strict attention to our own chosen work. Oh! yes, I know there was a group of loyal, sincere, earnest women in Armstrong county who were giving willingly of their time and energy to this work, and I took for granted that when some old person applied for assistance, after careful examination of the facts, the Board approved or rejected same, and if approved, the assistance was immediately forthcoming. However, after my people had shown their faith and confidence in me by selecting me as their representative to the General Assembly, and shortly after I was sworn in, I received a pitiful letter from an old person living in one of our towns pleading with me for help to keep him from

going to the Poor House, and explaining that he had applied for old age assistance. I took this letter up with my colleague, Arnold Blumberg, who, years ago, sponsored this great humanitarian movement, and, acting upon his advice, I wrote to our local Board, found that this party was deserving but no money available, and I resolved that along with my desire to relieve real estate from school tax, and thus save the homes of our people, I would next center my efforts on the unfortunate old people.

A few days ago when the appropriation bill was presented for old age assistance, I listened to the very splendid appeal of Representative Hoopes for an increased amount, and even when Representative Cohen explained that to increase the appropriation would only be raising false hopes in the old people of our state, nevertheless I voted for the increase, hoping that in some legitimate manner we could work something out, feeling that party lines would be dropped and that unitedly we would stand on this question.

This bill is the result of many suggestions and it in no way adds any tax to our now overburdened corporations, and, thank God, it adds not one cent to the real estate tax, but each one of the members of this House who chooses to go to a ball game and spend 50c for a ticket will gladly pay an extra ten cents, when you know that it is for the relief of someone's old mother, man's best and most faithful earthly friend. This is not a selfish bill, as both my mother and father have passed on, but is drawn for the other fellow's mother and father.

I am sure that there is not a Republican on this side of the House that can dare vote against this bill and go back to his or her home and face the conditions in their particular district. This bill only puts a tax on all amusements on the Sabbath day and the fund that is raised goes exclusively for the old age assistance fund.

Mr. ZAPPALA. Mr. Speaker, I would like to interrogate the gentleman from Armstrong, Mr. Gates.

The SPEAKER. Will the gentleman from Armstrong, Mr. Gates, permit himself to be interrogated?

Mr. GATES. I will, Mr. Speaker.

Mr. ZAPPALA. Mr. Speaker, do I understand the gentleman from Armstrong to say that this money will go for the purpose of the old aged?

Mr. GATES. Mr. Speaker, the old age assistance fund, that is right.

Mr. ZAPPALA. Mr. Speaker, will the gentleman show me the particular line in the bill, showing where this money goes?

Mr. GATES. Mr. Speaker, section fifteen which reads as follows: "All taxes, interest, fines, and penalties received, collected or recovered under the provisions of this act shall be used only for the purpose of providing old age assistance and for such purposes is hereby appropriated to the Department of Welfare."

Mr. ZAPPALA. Mr. Speaker, I thank the gentleman from Armstrong, Mr. Gates.

Mr. PFAFF. Mr. Speaker and members of the House, I will be very brief in my remarks in support of this bill. I believe that the bill now before the House will be the last opportunity that the members of this Legislature will have to accumulate much needed funds to adequately take care of the many aged who will qualify under the old age assistance act. I do not believe that there is any member of this House who does not realize and know that the present appropriation to the old age assistance fund will surely be exhausted before the end of this biennium, and I appeal to the members of the House to support this bill in the interest of the aged of this state, who cannot help themselves.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Ferko,	Mallen,	Shortz,
Alexander,	Finnerty,	Mason,	Shreiner,
Allen,	Fitch,	McCreary,	Shugarts,
Altenburg,	Flanagan,	McDermott,	Siegel,
Andrews,	Flinchbaugh,	McDevitt,	Simon,
Arnold,	Flynn,	McElroy,	Simpson,
Atkins,	Forrest,	McHenry,	Sinwell,
Aukerman,	Furman,	McKinney,	Sloan,
Baine,	Gates,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gerard,	Merrell,	Smith, W. G.,
Baldi,	Gillette,	Moomaw,	Snyder, F. E.,
Barber,	Green,	Mooney,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moore,	Sowers,
Bernhard,	Habbyshaw,	Moran,	Spangler,
Blumberg,	Haberlen,	Moul,	Sproul,
Boose,	Hagerty,	Muir,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	Ominsky,	Stone,
Brennan,	Harmuth,	O'Neill,	Stott,
Brown, H. S.,	Hart,	Panton,	Sumney,
Brown, J. E.,	Hartman,	Parks,	Surface,
Brownfield,	Hefferon,	Patterson, C.,	Tahl,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Terry,
Burke,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carson,	Hoffner,	Pfaff,	Turner,
Castor,	Holland,	Phillips,	VanAllsburg,
Chervenak,	Holstrom,	Piole,	VanSickle,
Coakley,	Hoopes,	Powers,	Walker,
Cochran,	Horst,	Reising,	Wall,
Cohen,	Jackson,	Reynolds,	Wasserman,
Coleman,	Jones,	Rhys,	Weidemann,
Condon,	Kane,	Rinn,	Weiss,
Conner,	Kelder,	Roan,	Welliver,
Coolahan,	Kelso,	Robinson,	Welsh,
Davies,	Kilroy,	Rooney,	Westrick,
Decker,	Kinney,	Root,	White,
Denning,	Klingler,	Ruffennach,	Wickersham,
Dent,	Kobelak,	Ruth,	Winner,
Diehl,	LaRue,	Sarraf,	Witkin,
Dilley,	Linderman,	Scanlon,	Wood,
Downey, G. E.,	Long,	Schrock,	Yeakel,
Downey, J. J.,	Longaker,	Schrope,	Yourishin,
Duffort,	Lovett,	Schwab,	Zappala,
Eberharter,	Lynch,	Schwartz,	Zimmerman,
Eroe,	Male,	Shepard,	Sarig,
Falkenstein,			

NAYS—6

Carr,	Melchiorre,	Shaw,
Cordier,	O'Keefe,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Mr. SCHWARTZ. Mr. Speaker, I desire to call up at this time House Bill No. 2912, Senate Bill No. 1056, Printer's No. 674, on page 18 of today's calendar, bill on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2912 (Senate Bill No. 1056), entitled

An Act relating to certain sports on Sunday in cases where an admission is charged permitting certain sports on Sunday for which an admission is charged during certain hours providing for the licensing of exhibitions where an admission charge is made and changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same

On the question,
Will the House agree to the bill on third reading?

MOTION TO PASS BILL IN ORDER

Mr. SOWERS. Mr. Speaker and members of the House, as this bill is written, I think that the House should be against it. I think that this House stands for the principle that no man should be required to work seven days a week. I think that the bill should be passed over in its order so that it can be amended to harmonize with the Sunday movies bill and have a provision inserted in it that no man can be employed on Sunday who has worked more than five of the preceding six days. I move you, Mr. Speaker, that this bill be passed over in its order.

On the question,
Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it,

Whereupon, a division was called for and seventy-three members having voted in the affirmative and seventy-six members having voted in the negative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House agree to the bill on third reading?

It was agreed to,

On the question,
Shall the bill pass finally?

Mr. SCHWARTZ. Mr. Speaker and members of the House, for the information of the members of the House as to playing tennis, I want you to know that tennis is only played on certain days of the week, they do not play this game seven days a week. I do not want you to feel confused. This is only for an extension of the Sunday rule for tennis.

Mr. JOHN E. BROWN. Mr. Speaker, the statement is made that the hours are changed for sports. I would like to interrogate someone as to what hours the sports have been changed to.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SCHWARTZ. Mr. Speaker, I will.

Mr. JOHN E. BROWN. Mr. Speaker, our sports bill like the baseball bill or the movie bill stated that the hour would be after two o'clock. I would like to know what hours the sports are changed to. Do you advance the hours all day or what time?

Mr. SCHWARTZ. Mr. Speaker after one o'clock, owing to the condition of daylight savings time in the city of Philadelphia.

Mr. JOHN E. BROWN. Mr. Speaker, it advances the hour for sports one hour. All of the sports bills we have had in the House stated after two o'clock. This advances the time, as I understand it, one hour.

Mr. SCHWARTZ. Mr. Speaker, on account of the daylight savings time. We just passed the polo bill providing for one o'clock. This bill provides for the same hour, after one o'clock according to standard time which means two o'clock daylight savings time.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—120

Achterman,	Denning,	Kobelak,	Sarraf,
Altenburg,	Dent,	LaRue,	Scanlon,
Andrews,	Downey, J. J.,	Longaker,	Schwartz,
Atkins,	Eberharter,	Mallen,	Shaw,
Baine,	Eroe,	Mason,	Shepard,
Baker, J. J.,	Falkenstein,	McDermott,	Shugarts,
Baldi,	Ferko,	McDevitt,	Siegel,
Barber,	Finnerty,	McElroy,	Simon,
Bernhard,	Flynn,	Melchiorre,	Sproul,
Blumberg,	Furman,	Mentzer,	Stank,
Boyd, R.,	Gerard,	Moomaw,	Sumney,
Boyer,	Green,	Mooney,	Tahl,
Bradley,	Greenstein,	Moore,	Tronzo,
Brancato,	Haberlen,	Moran,	Tumelty,
Brown, H. S.,	Hagerty,	Moul,	Turner,
Burke,	Haluska,	Nothnagle,	VanSickle,
Cannon,	Hamilton, F. P.,	O'Keefe,	Walker,
Caputo,	Hamilton, R. S.,	Ominsky,	Wasserman,
Carr,	Harkins,	O'Neill,	Weidemann,
Castor,	Harmuth,	Patterson, C.,	Weiss,
Chervenak,	Hart,	Patterson, J. W.,	Welliver,
Coakley,	Hefferon,	Peters,	Westrick,
Cochran,	Hirsch,	Pfaff,	Wickersham,
Cohen,	Holland,	Piole,	Winner,
Coleman,	Holstrom,	Powers,	Witkin,
Condon,	Hoopes,	Reynolds,	Woodside,
Conner,	Jackson,	Rinn,	Yourishin,
Coolahan,	Kane,	Roan,	Zappala,
Cordier,	Kilroy,	Root,	Zimmerman,
Davies,	Kinney,	Ruth,	Sarig,

NAYS—56

Alexander,	Hetrick,	Nagel,	Snyder, F. E.,
Allen,	Hindman,	Panton,	Snyder, J. L.,
Arnold,	Hoffner,	Pearson,	Sowers,
Boose,	Horst,	Reising,	Spangler,
Brennan,	Jones,	Robinson,	Stevens,
Brown, J. E.,	Kelso,	Schrock,	Stewart,
Brumbaugh,	Klingler,	Schrope,	Stockham,
Decker,	Lynch,	Schwab,	Stone,
Dilley,	Male,	Shortz,	Stott,
Fitch,	McCreary,	Simpson,	Surface,
Flinchbaugh,	McHenry,	Sinwell,	Terry,
Gates,	McKinney,	Sloan,	VanAllsburg,
Gillette,	Merrell,	Smith, J. A.,	Wall,
Hartman,	Muir,	Smith, W. G.,	Wood,
Hermansen,	Murrin,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and Members of the House, this is one time where my remarks are not addressed to the Democrats. I want to say to the Republican members of the House that they are to be the guests of the State Chairman at Nelley's Gardens tonight at 6:30 o'clock. Some of the members are leaving and if they do not have a car to get there, the distinguished gentleman from Dauphin, Mr. Shreiner, will provide transportation. I will ask all of the Republican members to be there and all of the Democratic members to stay away.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. FURMAN asked and obtained permission of the House for the Committee on Highways to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2934 (Senate Bill No. 1236), entitled:

An Act to amend section three hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing a rule for the investment of funds given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or charitable purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Bocse,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	VanAllsburg,
Chervenak,	Holstrom,	Phillips,	VanSickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,	Mallen,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2878 (Senate Bill No. 106), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,

Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

REPORT OF COMMITTEE TO INVESTIGATE PHILADELPHIA POLICE PENSION FUND

Mr. KILROY. Mr. Speaker, I wish at this time to present the findings of the committee that investigated the Philadelphia Police Pension Fund.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2971 (Senate Bill No. 952), entitled:

An Act to amend section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" providing an alternative method of computing unearned premium liability.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2913 (Senate Bill No. 1241), entitled:

An Act to amend section four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof and making an appropriation therefor" substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund and adding to said board a member of the Pennsylvania Historical, Commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,

Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2938 (Senate Bill No. 1396), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2986 (Senate Bill No. 1526), as follows:

An Act fixing the salary of the clerk to the President of the Senate and the salary of the stenographer to the Speaker of the House of Representatives

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the clerk to the President of the Senate is hereby fixed at two thousand four hundred dollars per annum and the salary of the stenographer to the Speaker is hereby fixed at one thousand eight hundred dollars per annum

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,

Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2979 (Senate Bill No. 1315), entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two, and three hundred and forty-three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrum,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2967 (Senate Bill No. 1029), entitled:

An Act to amend section four hundred ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, association and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specific-

ally against death by accident; and further to amend the provisions relating to participation in surplus

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Ferko,	McCreary,	Shortz,
Alexander,	Finnerty,	McDermott,	Shreiner,
Allen,	Fitch,	McDevitt,	Shugarts,
Altenburg,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Terry,
Cannon,	Hetrick,	Pearson,	Tronzo,
Caputo,	Hindman,	Perry,	Trout,
Carr,	Hirsch,	Peters,	Tumelty,
Carson,	Hoffner,	Pfaff,	Turner,
Castor,	Holland,	Phillips,	VanAllsburg,
Chervenak,	Holstrom,	Piole,	VanSickle,
Coakley,	Hoopes,	Powers,	Walker,
Cochran,	Horst,	Reising,	Wall,
Cohen,	Jackson,	Reynolds,	Wasserman,
Coleman,	Jones,	Rhys,	Weidemann,
Condon,	Kane,	Rinn,	Weiss,
Conner,	Kelder,	Roan,	Welliver,
Coolahan,	Kelso,	Robinson,	Welsh,
Cordier,	Kilroy,	Rooney,	Westrick,
Davies,	Kinney,	Root,	White,
Decker,	Klingler,	Ruffennach,	Wickersham,
Denning,	Kobelak,	Ruth,	Winner,
Dent,	LaRue,	Sarraf,	Witkin,
Diehl,	Linderman,	Scanlon,	Wood,
Dilley,	Long,	Schrock,	Woodside,
Downey, G. E.,	Longaker,	Schrope,	Yeakel,
Downey, J. J.,	Lovett,	Schwab,	Yourishin,
Duffort,	Lynch,	Schwartz,	Zappala,
Eberharter,	Male,	Shaw,	Zimmerman,
Eroe,	Mallen,	Shepard,	Sarig,
Falkenstein,	Mason,		

NAYS—1

Andrews,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2829 (Senate Bill No. 1017), entitled:

An Act relating to the Pennsylvania State Park at Erie authorizing the Department of Forests and Waters to revoke and terminate certain revocable grants and to acquire by purchase or eminent domain private property rights or interests in respect to any lands within said park.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1488 (Senate Bill No. 201), entitled:

An Act authorizing and empowering county commissioners of this Commonwealth of the counties of the second class within this Commonwealth to destroy certain public records.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2983 (Senate Bill No. 1481), entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks providing for the escheat of moneys where checks are not presented within seven years and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2962 (Senate Bill No. 34), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annuity for principals, supervising principals, and superintendents who separated from school service prior to the establishment of the retirement system.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, F. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2989 (Senate Bill No. 1538), entitled

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement which were to rest alone for their security upon payment of assessments for benefits

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HOOPES. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Hoopes.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. HOOPES. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Berks state the amendment he desires to make to this bill?

Mr. HOOPES. Mr. Speaker, I did not make the motion to amend. I made it for further study.

Mr. TURNER. Mr. Speaker and members of the House, I do not think that this bill should be returned for further study. It has passed the Senate. Similar bills have been before committees for study. It is now late in the session and a bill that goes back to committee may never come back to the House again. Therefore, I desire to oppose this motion.

Mr. HOOPES. Mr. Speaker, in answer to the gentleman from Delaware, I am very frank to state that my purpose in making the motion was to put the bill back in committee so that it would not come back again. We have had at least four bills like this before various committees of the House during the session. We have killed all of them because they are vicious measures and I think this should go the same road.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2965 (Senate Bill No. 998), entitled

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; confering powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2931 (Senate Bill No. 954), entitled

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2982 (Senate Bill No. 1458), entitled

An Act to amend sections six and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within

which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2954 (Senate Bill No. 1416), entitled

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organizaton merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2956 (Senate Bill No. 718), entitled:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

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Article VIII Department of Health
Article IX Department of Safety
Article X Department of Public Works
Article XI Department of Welfare
Article XII Department of Parks and Recreation
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Article XVI Department of Personal Property and Supplies
Article XVII Municipal Court
Article XVIII Municipal Divisions
Article XIX Adoption and Amendment
Article XX Miscellaneous Provisions and Schedule

ARTICLE I

GENERAL PROVISIONS

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That pursuant to the provisions of Article XV Section 4 of the Constitution of the State the County of Allegheny the offices and poor districts thereof and as hereinafter provided the cities boroughs and townships situated therein are hereby consolidated into a consolidated city and county with the constitutional and legal capacity of a municipal corporation to be known as city of "Metropolitan Pittsburgh" and hereinafter referred to as the consolidated city

Section 102 The said consolidated city shall be at the same time a city and a county and shall have at the same time all the powers rights and obligations appropriate to a city and to a county except as hereinafter expressly provided The said consolidated city shall be governed in accordance with the provisions of this charter All the laws of the state whether general special or local relating to or applicable to the County of Allegheny and to county officers of the County of Allegheny as the same may be on the date of the adoption of this charter shall continue to be in full force and effect except as the same may be inconsistent with the terms hereof and shall be and become a part of this charter as if incorporated herein and shall so remain until amended modified supplemented or repealed by appropriate amendment of this charter in accordance with the provisions hereinafter provided in Article XIX

Section 103 The cities boroughs and townships within the County of Allegheny as the same shall be on the date of adoption of this charter shall continue to exist as municipal divisions thereof with their then names and boundaries The powers rights capacities and duties of said cities boroughs and townships as municipal divisions of the consolidated city and the forms of government thereof shall except as otherwise provided in this charter continue to be determined by the laws of the state relating to cities boroughs and townships of their respective classifications as said laws now are or may hereafter be Any two or more municipal divisions or portions thereof may in accordance with the procedure hereinafter provided in Article XVIII be united of their own volition to form a single municipal division

Section 104 This charter shall become effective for all purposes except as hereinafter expressly otherwise provided upon the first day of January one thousand nine hundred thirty-six but if said charter has not been adopted prior to said date then upon the first day of the year which follows the adoption of this charter Whenever in any section of this charter the term "effective date" appears the same shall be taken and construed to refer to the effective date of this charter as defined in this section

Section 105 This charter does not include any provisions and shall not be construed to repeal or modify any acts relating to juries the duties of jury commissioners the administration of public schools public libraries law libraries or state highways applicable to the County of Allegheny or any part thereof but the same shall continue to be in full force and effect in the consolidated city and in the cities boroughs and townships situated therein in like manner as if this charter had not been adopted

Section 106 The consolidated city shall be a body corporate and politic under the name of city of "Metropolitan Pittsburgh" It shall have the capacity as a body corporate to

(a) Make such contracts as may be necessary for carrying out its corporate purposes and powers

(b) To acquire by purchase lease or otherwise and hold real estate within and without the limits of the consolidated city and personal property and to lease pledge mortgage sell convey or otherwise dispose of the same

(c) To sue and be sued

(d) To enjoy perpetual existence and succession

(e) To have a corporate seal

Section 107 There shall be transferred to the consolidated city upon the effective date of this charter all the property rights moneys interests claims and causes of action now possessed by or vested in the County of Allegheny and the directors of the poor of the County of Allegheny and all the works buildings and properties of the several cities boroughs and townships of the County of Allegheny now devoted to the care of the poor indigent feebleminded and insane The property rights of the several municipal divisions of the said consolidated city in such streets and bridges as may be designated by the Board of Commissioners as through traffic streets pursuant to Section 108 of this Article shall upon such designation pass to the consolidated city In the same manner the property rights of any municipal division in all works buildings and property used in connection with any function of said municipal division hereafter surrendered by such municipal division and accepted by the consolidated city shall pass to the consolidated city

Section 108 There shall be transferred to the consolidated city upon the effective date of this charter the following bonded and other indebtedness as the same may be on said date

(a) The bonded and other indebtedness and liabilities of the County of Allegheny

(b) The bonded and other indebtedness and liabilities of the directors of the poor of the County of Allegheny

(c) The bonded and other indebtedness and liabilities of the present City of Pittsburgh incurred for and on account of the care of the poor indigent feebleminded and insane and being the indebtedness of the present City of Pittsburgh incurred in connection with the activities and institutions now administered by its Department of Welfare

The consolidated city shall be liable for the payment of the foregoing indebtedness and liabilities to the same extent as if originally incurred by the consolidated city In the case of the bonded and other indebtedness and liabilities of the County of Allegheny and of the directors of the poor of the County of Allegheny the consolidated city shall pay the same in accordance with the terms on which such bonded indebtedness was created or such other liabilities incurred

The said bonded and other indebtedness and liabilities of the present City of Pittsburgh hereby transferred to and assumed by the consolidated city shall be treated and regarded as a new indebtedness of the consolidated city and the adoption of this charter as hereinafter provided shall be taken to constitute the consent of the electors thereof authorizing the creation of the said new indebtedness and the increase of the indebtedness of the consolidated city as provided in Article IX Section 8 of the Constitution of the State The consolidated city may issue bonds pursuant to the said authorization upon such terms as may be permitted by Law and the consolidated city may for the purpose of discharging the said indebtedness of the present City of Pittsburgh so transferred to and assumed by it either exchange the said bonds for the said outstanding obligations or sell the said consolidated city bonds or any portion thereof from time to time to provide funds to pay the said outstanding obligations of the present City of Pittsburgh as they mature or both as the board of commissioners may deem advisable

In the case of works buildings property and improvements including through traffic streets which may from time to time be transferred to and acquired by the Consolidated city pursuant to the provisions of the preceding

section the then outstanding indebtedness incurred in connection therewith shall be assumed and paid by the consolidated city For this purpose the consolidated city shall have such additional rights and powers in connection with the payment and liquidation of the assumed indebtedness as may be possessed by the municipal division or district from which such works buildings property and improvements including through traffic streets shall have been so acquired

Whenever only a portion of the works buildings or property including through traffic streets may be taken by acquired by and transferred to the consolidated city from any municipal division thereof on account of which there is outstanding bonded or other indebtedness of the said municipal division the amount or proportion of such indebtedness to be transferred to the consolidated city shall be determined by agreement if possible between the Board of Commissioners of the consolidated city and the corporate authorities of the municipal division If such agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the fair and equitable adjustment of the said bonded or other indebtedness The said board shall consist of three members One member shall be selected by the Board of Commissioners of the Consolidated city Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom

Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 109 The consolidated city shall have the power and authority to cancel repeal abrogate amend or change any franchise ordinances contracts or agreements between the several cities boroughs and townships and public utilities to the extent to which the same relate to the portion of any public utilities franchises located on any through-traffic street as designated by the board of commissioners

Where the conditions of any such franchise consent ordinance or agreement entitle the city borough or township to use any portion of the authorized facilities for its own purposes then said city borough or township shall continue as a municipal division of the consolidated city to enjoy the same privilege during the life of said franchise or consent ordinance

The consolidated city shall be entitled to receive a share of the payments due to any such city borough or township under any such franchise consent ordinance or agreement equal to the proportion which the facilities located in the through traffic streets bear to the total facilities authorized by such franchise or consent ordinance or covered by such agreement

If in any case an agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the sum to which the Consolidated City is entitled The said board shall consist of three members one member to be selected by the Board of Commissioners of the Consolidated City Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of the said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

"Section 110. Publication of Legal Notices. Whenever under the provisions of this act, advertisement or publication is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the Newspaper Advertising Act of May sixteenth, one thousand nine hundred and twenty-nine, (P. L. 1784), published in the consolidated city unless the matter in connection with which the advertising is being done affects only a municipal division thereof, in which case such advertisement shall be published in a newspaper published in such municipal division if any, and if not, then in a newspaper circulating generally in such municipal division. If the notice is required to be published in more than one such newspaper, it shall be published as aforesaid and also in one newspaper of general circulation throughout the consolidated city. When any such notice that is required to be published in a newspaper of general circulation relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issuance and sale of bonds or other obligations to be paid by taxation, a similar notice shall also be published in the same manner in the legal newspaper, if any, as defined by the aforesaid act of assembly."

Section 111 This act shall be known as submitted to the electors as and may be cited as "The Metropolitan Charter for the County of Allegheny"

ARTICLE II

POWERS

Section 201 The consolidated city in its corporate capacity as distinguished from the municipal divisions thereof shall have in addition to the powers and duties conferred or imposed thereon as provided in Article I of this charter the following powers and duties

Section 202 The power to regulate and provide for the care of the poor the indigent sick the defective the delinquent the feeble-minded and the insane and for the care of neglected and dependent children and for these purposes to acquire provide and maintain grounds buildings and equipment needed therefor For such purposes the consolidated city shall have all the powers and duties now possessed by the directors of the poor of the County of Allegheny and the Department of Welfare of the present City of Pittsburgh

Section 203 The power and duty to provide institutions for the care custody and education to juvenile and adult offenders and to maintain direct and administer the same

It is the intent and purpose of this charter that the maintenance direction and administration of the Allegheny County prison and the Allegheny County workhouse and inebriate asylum shall continue to be in the form and manner at present provided by law and so remain until a majority of the judges of the Court of Common Pleas of Allegheny County recommend that the consolidated city through an appropriate new or existing department take over all or a portion of said matters and said recommendations are approved by appropriate resolution of the board of commissioners And provided further that nothing in this article shall be taken to affect or modify the powers and duties of the juvenile court of the county of Allegheny as the same are now or may be hereafter provided by law

Section 204 The power to make and enforce regulations in relation to public health in addition to and not in conflict with the laws of the state and the regulations of the advisory board of the state department of health and to construct maintain and manage hospitals clinics sanitaria laboratories and other institutions for the promotion of the same Municipal divisions may adopt regulations in relation to public health in addition to and not in conflict with those of the consolidated city

Section 205 The power to acquire lease improve maintain and manage within or without the corporate limits of the consolidated city parks athletic fields playgrounds swimming pools community centers and other recreational athletic or cultural facilities and to construct acquire lease and maintain buildings and works appurtenant thereto It shall have the power to make and enforce regulations for the use of said parks playgrounds and other recreational facilities and to lease concessions and to charge or allow to be charged reasonable prices for goods sold or fees for the use of property or services

Section 206 The power to designate from among streets and highways other than state highways or state aid highways or township roads receiving state reward at any time existing in any part of the consolidated city and in addition to county roads hitherto established by the County of Allegheny or hereafter established by the consolidated city through-traffic streets which shall thereafter be maintained by the consolidated city the power to lay out and open new through-traffic streets the power to name re-name locate relocate improve straighten widen grade re-grade pave repave and establish street lines and grades for all through-traffic streets and to number buildings thereon the power to construct and maintain sidewalks curbs gutters catch basins drains culverts signs lighting fixtures and all other appurtenances incident to such through-traffic streets No street shall be designated or laid out as a through-traffic street unless the proposal so to do originates with the planning commission of the consolidated city or until the proposal has been laid before the planning commission and it has had not less than sixty days in which to express its opinion thereon If the planning commission of the consolidated city advises against the designation or laying out of any street as a through-traffic street the board of commissioners shall reconsider the proposal but the decision of the board of commissioners by a two-thirds vote upon reconsideration shall be final Whenever a change of grade of such a through-traffic street results in or requires a change of grade of any connecting street or highway the said change of grade on the said connecting street or highway shall be regarded and treated in all respects as a part of the improvement of the through-traffic street and the consolidated city shall have the power to fix the grade of said connecting street or highway and do all other things necessary to fully carry out and complete the necessary improvement and acquire all right and assume all burdens arising therefrom

Section 207 The power to make regulations with regard to the erection of fences signs billboards buildings and structures within three hundred feet of any through-traffic street or county road provided that in any municipal division which has in effect an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 208 The power to construct operate and maintain bridges viaducts and tunnels connecting streets or portions of streets designated as through-traffic streets as provided in this charter

Section 209 The power to determine when and under what conditions through-traffic streets or any portion thereof so designated by the board of commissioners may be occupied by poles wires conduits pipes subways tracks or other property or facilities of public utility companies Municipal divisions shall have the right to use such through-traffic streets for their facilities subject to such reasonable regulations as the board of commissioners shall adopt

Section 210 The power to create districts for the purpose of regulating the location height area bulk and use of buildings and premises and to exercise planning powers as provided in Article XIII

Section 211 The power to create and provide for the management of special districts for the purpose of acquiring constructing maintaining and operating or contracting for any public property work improvement utility or service not for the exclusive benefit of any one municipal division and when the same are not self-sustaining to provide for the payment of the cost and/or operation and maintenance of such property work improvement utility or service by a special tax levied through such special district receiving such special service No such district shall be created unless and until the board of commissioners has held a public hearing upon the creation thereof Notice of such hearing shall be served upon the governing body of each municipal division any part of which is included in the said proposed district and shall be published in accord with the provisions of section one hundred and ten of this act two times at intervals of one week in a newspaper of general circulation in the consolidated city and similarly in a newspaper published in each of the said municipal divisions and of general circulation therein if there be such a newspaper The hearing shall be held not less than ten days after the last publication of the notice and not less than thirty days after the service of notice upon the governing bodies of the said municipal divisions

Section 212 The power and duty to establish recruit train and maintain a police and detective force together with the power to create and maintain agencies institutions and facilities for the apprehension of criminals and the prevention and detection of crime

Section 213 The power to regulate by ordinance the production or emission of smoke from any chimney smokestack or other source and the construction of all hereafter constructed or rebuilt chimneys stacks flues smokepipes and ventilators Smoke is hereby defined as the product of combustion whether gases or solids

Section 214 The power to make uniform regulations not inconsistent with the laws of the State for the control of traffic on all through-traffic streets and all bridges and tunnels incident thereto which regulations it shall be the duty of all peace officers of the several municipal divisions as well as the police and traffic patrol of the consolidated city to enforce The power to acquire provide install and maintain traffic signal lights and other physical devises for the control of traffic on such through-traffic streets and the power to prescribe the type and manner of installation and operation of signs signal lights and other physical devices for the control of traffic thereon established and maintained by any municipal division The term "through-traffic street" as used in this section shall be taken to mean the streets designated as such in accordance with the provisions of section 206 (two hundred six) of this article and shall have no reference to the term "through-traffic street" as used in any other law

Section 215 The exclusive power to assess property offices professions and persons for taxation within the consolidated city and to establish such methods and procedure therefor not inconsistent with the provisions of this charter as the board of commissioners may by ordinance determine

Section 216 The power to levy and collect such taxes as may be necessary for the purpose of paying the debts and defraying the expenses of the consolidated city on all property and persons including public service com-

panies within the limits of said city taxable according to the laws of the state for county purposes and to levy and collect all other taxes fees and licenses permitted to counties or county officers under the laws of the state

Section 217 The power to incur indebtedness for the purpose of carrying out any of the powers conferred by this charter subject always to the limitations of the constitution of the state and wherever practicable serial bonds shall be issued in preference to bonds of any other nature In no case however shall any bonds of any other securities of the consolidated city be issued for a term which shall exceed thirty years or the estimated life of the work or improvement for the payment of which they are issued whichever period of time is shorter Said estimated life shall be determined by the head of the department under the direction of which such work or improvement is carried on and he shall make affidavit thereto to the board of commissioners which affidavit shall be supported and substantiated by the additional affidavits of two disinterested registered engineers not being in the employ of the consolidated city who shall be members in good standing of the American Society of Civil Engineers or its successors to be appointed by the public administrator of the consolidated city stating that each of them is familiar with the work or project in question and that the estimated life of the work is not less than the estimated life certified by the head of such department

Section 218 The power to exercise for the purpose of carrying out any of the powers conferred by this charter including the acquisition of property on behalf of the special districts provided for in section two hundred eleven of this article the right of eminent domain in the form and manner provided for by the laws of the state for municipal corporations and in connection with the exercise of the right and power of eminent domain for the acquisition of real property the title thereto so acquired shall be in fee simple

Section 219 The power in connection with the construction and operation of any public building or improvement to include therein or attach thereto storerooms parking garages or other space or facilities and to charge for the use thereof

Section 220 The power to enact ordinances for the purpose of carrying out the powers conferred by this charter and to make reasonable rules and regulations pertaining thereto and to provide for the punishment of violation thereof by imposing a fine of not more than three hundred dollars or imprisonment in the jail or workhouse for a period not exceeding sixty (60) days either or both for each violation thereof

Section 221 The power to create and define by ordinance the powers and duties of all offices and employments not established by the constitution of the state or by this charter necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of the consolidated city to modify consolidate or abolish the same and to fix the compensation of all officers and employes of the consolidated city not fixed by this charter Except as specifically provided in this charter the officers and employes of Allegheny County of the directors of the poor of Allegheny County and of the department of welfare of the present city of Pittsburgh as the said officers and employes shall be on the effective date of this Charter are continued in their then offices and employments at their then rate of compensation until removed or transferred or until their successors are duly elected or appointed as the case may be or until their said offices and employments be modified consolidated or abolished or the compensation therefor altered as authorized in this charter It is the purpose and intent of this section that no interruption in the performance of any of said offices or employment shall be caused by the adoption of this charter

Section 222 The power to provide a system of retirement annuities or pensions for old age and/or disability and/or death benefits to dependants applicable to regular officers and employes of the consolidated city based upon equal contributions by the consolidated city and by the officers and employes thereof to an extent of not less than thirty per cent nor more than fifty per cent of their annual compensation and to provide for the insurance of any and all of its officers and employes and dependents against the consequences of injuries received by such officers and employes in performance of their duty Provided however That nothing herein contained shall be construed to repeal the following acts or parts of acts nor any amendments thereto Sections three hundred eleven to three hundred twenty-six inclusive of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto"

The act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand fifty) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the bureau of fire in cities of the second class creating a board for the management thereof providing the mode and manner of payment to beneficiaries and for the care and disposition of its funds and providing for the transfer and payment of all moneys and securities in existing funds in similar boards superseded by the fund and board herein created

The act approved the twenty-second day of May one thousand nine hundred and thirty-five (Act number ninety-nine) entitled "An act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act"

Section 223 The power to accept devises bequests legacies donations or services to or for the use of the consolidated city or any of its departments and to administer the same in accordance with the conditions thereof or to reject and devise bequest legacy or donation accompanied by conditions unacceptable to the consolidated city

Section 224 The power to employ such measures as may be necessary or proper for the carrying out of the powers conferred by this charter upon the consolidated city and the departments and officers and employes thereof and all rights and powers incidental thereto and as may be necessary or convenient to enable it to carry on its metropolitan powers and functions without interruption

Section 225 The power to receive accept and administer grants of money from the United States the State or any sub-division or bureau thereof upon such terms and conditions as the board of commissioners may deem advisable provided however that nothing in this section shall be construed to permit the consolidated city to incur any indebtedness except in strict accordance with the provisions of the constitution In the event that indebtedness of the consolidated city is created in connection with the receiving of such grants said indebtedness shall provide for the payment and liquidation thereof over a period of not more than thirty years preferably by serial bonds and shall make such appropriations of general funds or levy such appropriate taxes as may be necessary to provide for the payment and liquidation of said indebtedness

ARTICLE III

BOARD OF COMMISSIONERS

Section 301 There shall be a board of seven commissioners in which shall be vested except as otherwise provided in this charter all the powers of the consolidated city In addition to such powers the said board of commissioners shall have all the powers of the commissioners of the County of Allegheny the directors of the poor of the County of Allegheny as the same shall be on the

date of adoption of this charter and shall have powers similar to those exercised by the departments of welfare and of health of the present city of Pittsburgh as the same shall be on the date of the adoption of this charter.

Section 302 The members of the board of commissioners shall be qualified electors of the consolidated city and must at the time of their election have been citizens of the United States for a period of not less than ten years and shall have resided in the district of which each must be a resident as hereinafter provided for not less than five years The chairman of the board of commissioners shall at the time of his election have resided in the consolidated city for a period of not less than ten years and shall have been a citizen of the United States for not less than twenty years and shall be elected at large and the other six commissioners shall be residents of and elected by the electors of districts numbers one two three four five and six respectively as hereinafter provided The chairman of the board of commissioners shall receive an annual compensation of six thousand dollars and the remaining members shall receive an annual compensation of five thousand dollars

Section 303 In the event that this charter is adopted at the special election hereinafter provided to take place during the year one thousand nine hundred and thirty-five the election of the first board of commissioners of the consolidated city shall be held at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-five and the commissioners thereupon elected shall take office on the first day of January one thousand nine hundred and thirty-six At said election there shall be elected at large a chairman of the board of commissioners and six other members of the said board to serve for terms of four years each from the first Monday of January one thousand nine hundred and thirty-six In the event that this charter is not adopted at the special election during the year one thousand nine hundred and thirty-five hereinafter provided then the following provisions shall govern the taking of office of the first board of commissioners of the consolidated city If the charter is adopted during the year one thousand nine hundred and thirty-seven prior to the municipal election for that year the three county commissioners of the County of Allegheny in office on the thirty-first day of December one thousand nine hundred and thirty-seven shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-seven there shall be elected at large four members of the board of commissioners to serve for terms of two years from the first Monday of January one thousand nine hundred and thirty-eight and the person receiving the highest number of votes for the office of commissioner at the said municipal election in the year one thousand nine hundred and thirty-seven shall be and become chairman of the board of commissioners At the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected in the manner and by and from the districts herein provided in the event that the charter is adopted during the year one thousand nine hundred and thirty-eight or the year one thousand nine hundred and thirty-nine the three county commissioners of the County of Allegheny in office on the thirty-first day of December of the year during which the charter is adopted as aforesaid shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected as above provided

Section 304 The board of commissioners of the consolidated city as first constituted shall meet on the third Monday of November following their election or as soon thereafter as the returns of the election are officially certified appoint a secretary prepare ordinances and resolutions affecting the organization of the consolidated city government so that the same may be adopted promptly upon the commencement of their term of office consider a budget for the ensuing year and transact any other appropriate business

Section 305 The board of commissioners shall meet at ten o'clock in the morning of the first Monday of January of the year in which their terms of office become effective and shall hold a regular meeting at least three times a week on Mondays Wednesdays and Fridays Special meetings may be called only by written notice signed by the chairman or by four members of the board of commissioners delivered at the residence or place of business of each member of the board at least twenty-four hours before the time of such meeting The presence of four members which may include the chairman shall constitute a quorum Every ordinance resolution or vote of the board of commissioners except votes upon merely procedural motions shall require at least four affirmative votes

Section 306 At the said meeting on the first Monday of January of the year during which the terms of office of said commissioners become effective the board of commissioners shall elect from its own members a vice-chairman who shall preside at meetings in the absence of the chairman In the event of the death removal or resignation from office or permanent disability of the chairman the board of commissioners shall fill the vacancy forthwith by the election for the unexpired balance of the term of a person qualified to be elected to such office who shall be of the same known political affiliation as the said chairman In the event of the death resignation or removal from office or permanent disability of any other member of the said board of commissioners the remaining members of the board including the chairman shall forthwith cause said vacancy to be filled by the appointment for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as the said commissioner

Section 307 The board of commissioners shall have power to adopt such rules of procedure as are not inconsistent with the provisions of this charter

Section 308 All ordinances and resolutions shall be introduced in written form and except in the case of an emergency ordinance no procedings other than reference to a committee or other authority to which ordinances and resolutions must or may be referred as provided in this charter shall be had thereon until the same have been printed and placed on the desks of the members for at least twenty-four hours All ordinances other than emergency ordinances shall be read once at length and considered on three separate days The yeas and nays shall be taken upon the passage of all ordinances and resolutions and shall be entered upon the journal of the board of commissioners The enacting clause of all ordinances shall be Be it ordained by the Board of Commissioners of the city of Metropolitan Pittsburgh

Section 309 All ordinances except the annual appropriation ordinance and ordinances codifying or arranging existing ordinances shall be confined to one subject and the subject of each ordinance shall be clearly expressed in its title Ordinances making appropriations shall be confined to the subject of appropriations

Section 310 An emergency ordinance is an ordinance to provide for the immediate preservation of the public peace property health or safety in which the emergency claimed is set forth as part of the ordinance and which is passed by not less than five affirmative votes No ordinance granting renewing or amending a franchise or other special privilege shall be passed as an emergency ordinance

Section 311 All ordinances and resolutions shall be authenticated by the signature of the chairman or vice-chairman in the absence of the chairman and the secretary of the board of commissioners under the seal of the city of Metropolitan Pittsburgh The board of commissioners shall keep a journal in which shall be recorded all official actions of the board This journal shall be a public record and open to inspection between the hours of nine in the forenoon and five in the afternoon of any business day

Section 312 All acts of the board of commissioners affecting the public generally in the consolidated city or any substantial portion thereof and all authorizations of the board of commissioners to a settlement or compromise of claims of every character and description against the consolidated city exceeding five hundred dollars shall be enacted by an ordinance of the consolidated city and all other acts of the board of commissioners shall be by resolution In the case of resolutions it shall not be necessary to publish notice thereof except as otherwise provided in this charter but in the case of ordinances notice thereof shall be published as follows within three days after the introduction of said ordinance a brief abstract of the important provisions thereof shall be published once in a daily newspaper published in the consolidated city and of general circulation therein and in addition if the said ordinance relates to less than the whole consolidated city and relates to or specifically affects anyone or more of the municipal divisions thereof the same shall be published once in a daily newspaper if any published therein and if there is no daily newspaper published therein then as soon thereafter as possible in a weekly newspaper if any published in the said municipal division or divisions No ordinance other than an emergency ordinance shall be finally passed until such publication has been completed and affidavit of publication thereof filed with the secretary of the board of commissioners Within ten days after the final passage of any ordinance involving the imposition of fines and penalties the portion of the ordinances setting forth the offense and the amount of the fine and penalty shall be published in full once in a daily newspaper published in the consolidated city and of general circulation therein

The board of commissioners shall provide by rules and regulations that a reasonable number of copies of ordinances shall be printed as the circumstances may require and as the demand therefor may exist by the public generally or by persons specifically interested therein In case ordinances are passed at the request of and for a private interest the person firm or corporation one or more so interested in the said ordinance shall pay in advance all costs of printing and publication involved in the enactment of the said ordinance

Section 313 The board of commissioners shall have the power to fix the amounts of the bonds to be given by the elective and appointive officers and employes of the consolidated city provided that they shall be approved in the case of the controller by the board of commissioners and in the case of all other officers and employes by the controller and premiums thereon shall be paid by the consolidated city The said bonds shall be bonds of individual sureties or of a Surety Company or Companies acceptable to the board of commissioners and duly qualified and authorized to do business in this state

Section 314 The fiscal year shall begin on the first day of January and end on the thirty-first day of December next following

Section 315 On or before the first Monday of November in each year the public administrator shall submit to the board of commissioners an estimate of the revenues and expenditures of the consolidated city for the ensuing calendar year This estimate shall be compiled by said public administrator from detailed information supplied by the Directors of the several departments and other officers boards and courts of the consolidated city upon uniform blanks furnished by the director of finance and it shall be the duty of every department head officer court and board to fill out the said blanks with all the information demanded thereon and return the same to the director of finance on or before the date set by him for such return The classification of the estimate of expenditures shall be uniform for the main functional divisions of each department office court and board and whenever the system of accounts referred to in Article VII shall have been put into effect shall correspond with the classification employed therein For the purpose of this and the succeeding sections of this Article the offices of the several county officers as provided in Article IV of this charter shall be deemed to be departments of the consolidated city

Section 316 The estimate of expenditures submitted to the board of commissioners shall contain in parallel columns a detailed estimate of the expense of conducting each department and each other office court or service of the consolidated city as submitted by the head of such department or the officer court or board as the case may be and the recommendation of the public administrator as to the amounts to be appropriated with his reasons for his recommendation together with such other information as may be prescribed from time to time by the board of commissioners The estimate of expenditures shall likewise contain a statement of the total debt of the consolidated city the debt less sinking fund the debt less assets legally deductible in determining debt incurring capacity and a schedule of the maturities of all securities outstanding of the consolidated city together with an estimate of the sums to be expended in the ensuing calendar year for (1) interest on the debt (2) paying off securities maturing during the year and (3) sinking fund requirements

Section 317 The estimate of revenues which must be submitted with the estimate of expenditures shall contain in parallel columns a detailed statement of the receipts for the last fiscal year the receipts for the current fiscal year plus an estimate of the receipts for the balance of the current fiscal year and the estimated receipts for the ensuing fiscal year from each source of revenue other than from taxes and such other information as the board of commissioners may prescribe The said estimate shall contain a statement of the revenue from taxation for the last five completed fiscal years and the current fiscal year together with an estimate of the millage necessary to meet the expenditures proposed in the estimate of expenditures

Section 318 On the same day as the foregoing estimate of revenues and expenditures is presented to the commissioners of the consolidated city the said public administrator shall file in the office of the director of finance five copies thereof which shall be open to inspection of the public thereafter between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of every business day An abstract of the estimate of revenues and expenditures shall also be forthwith made available in pamphlet form to the public without charge

Section 319 With the estimate of revenues and expenditures the public administrator shall present to the board of commissioners a draft of an appropriation ordinance which shall thereupon be deemed to have been regularly introduced therein The board of commissioners shall give notice by advertisement in two successive issues of two daily newspapers published in the consolidated city and of general circulation therein of a public hearing or hearings which shall not commence sooner than five days after the last publication Following the public hearing or hearings the appropriation ordinance may be amended and shall thereafter take the same course as other ordinances

Section 320 Not later than one week after the final passage of the appropriation ordinance the director of finance shall certify to the board of commissioners the tax levy in dollars per hundred of assessed valuation necessary with other sources of revenue as estimated to produce the income necessary to provide for the total sum appropriated in the appropriation ordinances The board of commissioners shall thereupon proceed to adopt a tax levy ordinance of an amount sufficient to meet fully the estimated expenditures

Section 321 The board of commissioners may transfer any portion of the unencumbered balance of an appropriation to any other purpose upon the written recommendation of the director of finance certifying the existence of such unencumbered balance and setting forth the reason for such transfer and may at any time appropriate any moneys in the treasury not otherwise appropriated

Section 322 Together with the annual estimate of revenues and expenditures as heretofore provided the public administrator shall submit an estimate of the revenues and expenditures for the ensuing calendar year for each special tax district Said estimate shall be presented as near as may be in the same manner and form as the general estimate of revenues and expenditures and like proceedings with regard to hearing or hearings appropriation ordinance and tax levies shall be had thereon except that notice of hearing shall be published in the manner pro-

vided for the publication of notice of ordinance as provided in Section three hundred twelve of this Article

Section 323 Except as otherwise expressly provided in this charter the board of commissioners shall have the power and duty of classifying all persons in the service of the consolidated city and the bureaus board departments and divisions thereof and to fix the compensation of all such persons and likewise to fix and determine the number thereof and the minimum requirements and qualifications for each class of position The powers and duties imposed by this section shall be exercised by ordinance but only after there has been filed by the public administrator in the office of the board of commissioners the recommendations thereto of the department of personnel made pursuant to the provisions of section 1405 (fourteen hundred five) of Article XIV together with his report thereon and the report thereon of any officer or head of department interested Changes in the classifications salaries number of employes or in the minimum requirements and qualifications for each class of position as aforesaid shall be made by ordinance as aforesaid and only after the recommendations thereto from the Department of personnel have been made to the public administrator as provided in section 1405 (fourteen hundred five) of Article XIV and only after the public administrator has filed in the office of the board of commissioners the said recommendations together with his comments thereon and the reports thereon of any officer or head of department interested have been likewise filed in the office of the board of commissioners Provided however that the public administrator shall in every case within ten days after the recommendations of the department of personnel as aforesaid shall have been filed in his office transmit the same together with his report thereon to the office of the board of commissioners and providing further that the recommendations of the board of personnel shall be deemed to have been approved by any officer or head of department interested unless he shall within the period of ten days as aforesaid file his report thereon in the said office of the board of commissioners

Section 324 The board of Commissioners may create by ordinance the office of public defender in and for the court of oyer and terminer and quarter sessions of the county of Allegheny and prescribe the duties of said office and may likewise provide for appointment of such employes of said office as may be advisable subject always to the provisions of Article XIV The annual compensation of said public defender shall be provided for by said ordinance and shall not exeeed the sum of six thousand dollars

ARTICLE IV

COUNTY OFFICERS

Section 401 In the case of fees charges penalties or costs paid by the state or any department division or bureau thereof to any county officer by reason of his holding of any office the same shall hereafter be paid over by him to the treasurer of the consolidated city and be and become the property of the consolidated city as a part of the general fund

Section 402 The district attorney sheriff controller and coroner shall continue to be elected pursuant to the general laws of the state applicable to the County of Allegheny as the same may be on the effective date of this charter and shall continue to have the powers rights and duties prescribed by said general laws Any vacancy occurring in the office of district attorney sheriff controller and coroner by reason of death resignation or otherwise shall be filled forthwith by appointment by the Governor for the unexpired balance of the term of a person qualified to be elected to such office

Section 403 The prothonotary of the court of common pleas the clerk of the court of quarter sessions the clerk of the court of oyer and terminer the recorder of deeds and two jury commissioners shall be appointed by [a majority of the judges of the court of common pleas of Allegheny County] the board of commissioners The office of the clerk of the court of quarter sessions and of the court of oyer and terminer shall be held by the same person No person shall be eligible for appointment as prothonotary clerk of the court of oyer and terminer or of quarter sessions or recorder of deeds or for the office of jury commissioner unless he has been a citizen of the United States for a period of at least ten years and a qualified elector and resident of the consolidated city for a period of at least five years The said appointment shall be made in accordance with the provisions of section four hundred eight of this article

The said prothonotary clerk of the court of quarter sessions clerk of the court of oyer and terminer recorder of deeds and two jury commissioners shall have except as otherwise provided in this charter the right powers and duties of their respective offices as the same shall be on the effective date of this charter under the laws of the State applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 404 The offices of register of wills and clerk of the orphans' court of Allegheny County shall be held by the same person The said register of wills and clerk or orphans' court shall be appointed by the board of commissioners No person shall be eligible for said appointment unless he shall have been a citizen of the United States for at least ten years and a qualified elector and resident of the consolidated city for at least five years at the time of his appoinment Said appointment shall be made in accordance with the provisions of section 408 of this article

The said register of wills and clerk of the orphans' court shall have except as otherwise provided in this charter the rights powers and duties of the register of wills and clerk of the orphans' court of Allegheny County as the same shall be on the effective date of this charter under the laws of the state applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 405 The treasurers shall be appointed by the public administrator with the approval of the board of commissioners Such appointment shall be made in the manner provided in section 408 of this article The term of office of said officers shall be for a period of four years beginning on January first of the calendar year following their appointment

The recorder of deeds and treasurer shall except as otherwise provided in this charter have the rights powers and duties provided by the laws of the state for their respective offices All information which the recorder of deeds is under the duty to prepare and furnish to any board or officials charged with the assessment of real estate under present laws shall hereafter be furnished to the appropriate officers and employes of the division of assessment of the consolidated city and the failure to certify the same at reasonable intervals as requested by the said division of assessment shall be deemed to be a misdemeanor in office and on conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding one year or both at the discretion of the court

No person shall be eligible for appointment to the office of treasurer unless at the time of said appointment he shall have been a citizen of the United States for at least ten years and a resident and a qualified elector of the consolidated city for at least five years

Section 406 The board of viewers in the number now provided by law shall be appointed by the judges of the court of common pleas and shall have such powers as now are or may hereafter be provided by law

Section 407 The offices of county surveyor and county engineer are hereby combined with that of the director of the department of public works of the consolidated city as hereinafter provided in Article X

Section 408 In the event that the charter is adopted at the special election for the year one thousand nine hundred thirty-five hereinafter provided the following officers shall thereupon be appointed by the aforesaid appointive powers all of said appointments to be made as soon as practicable and in no case later than the first day of December one thousand nine hundred thirty-five as follows the prothonotary of the court of common pleas the clerk of court of quarter sessions and court of oyer

and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer In the event that this charter is not adopted at the special election aforesaid the prothonotary clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer in office on the effective date of the charter shall continue in office for the term for which they have been elected and thereafter these offices shall be filled by appointment as aforesaid Provided however that if the said charter is adopted at an election prior to the general election on the first Tuesday after the first Monday of November one thousand nine hundred thirty-seven then the two jury commissioners aforesaid shall be appointed by the court of common pleas as aforesaid and the office of surveyor shall be combined with that of county engineer and director of public works as aforesaid

Section 409 The annual compensation of county officers referred to in this article shall be as follows

The Sheriff	$9600.00
The Prothonotary	7200.00
The Clerk of Court of Quarter Sessions and Oyer and Terminer	7200.00
The Recorder of Deeds	7200.00
The Register of Wills and Clerk of the Orphans' Court	7200.00
The Treasurer	7200.00
The Controller	9600.00
The Coroner	7200.00
The District Attorney	9600.00
The two jury commissioners appointed pursuant to this article each	4200.00
Each member of the Board of Viewers	6000.00

Nothing in this section shall be construed to diminish the salary of any county officer in office on the effective date of this charter during the term for which he was elected or appointed

Section 410 The controller shall make and file reports with the board of commissioners from time to time relating to the efficiency and effectiveness of the service in any office department bureau or board of the consolidated city and the necessity therefor and shall include in said report such suggestions and recommendations relating to betterment thereof as he may deem best for the public service

Section 411 For the purposes of his office the controller may administer oaths summon witnesses and order the production of relevant books and papers from any office bureau department board division or employe of the consolidated city If any person refuses or neglects to obey such summons or order or neglects or refuses to answer a proper question addressed to him by the controller in the course of any hearing the controller may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books and papers demanded and to answer any proper question or questions If the said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall issue the same forthwith

Section 412 The controller shall have except as otherwise provided in this charter the powers and duties of the controller of the County of Allegheny as the same shall be on the date of adoption of this charter No money shall be drawn from the treasury of the consolidated city except by warrant countersigned by the controller and he shall countersign no warrant until he has satisfied himself that the claim to pay which the warrant is drawn represents a legal obligation of the consolidated city He shall keep in his office such records and accounts of the financial transactions of the consolidated city as will enable him promptly and accurately to perform this duty He shall have access at all times for himself or for any person designated by him to books records and cash in the offices of the director of finance treasurer and all other officers keeping accounts or handling money on behalf of the consolidated city He shall have power to inquire into all contracts including the performance thereof and all other proceedings involving the expenditure of public funds to which the consolidated city is a party and the official financial transactions of all officers and employes of the consolidated city He shall have the power to employ such expert accountants and other agents as he may deem necessary to carry out his powers of investigation and for this purpose the board of commissioners shall annually appropriate a sum of not less than fifty thousand dollars for the expenses of his office The controller may appoint a person learned in the law to act as his solicitor and as such to advise him upon all such legal matters as may be submitted to him and to conduct such litigation as may from time to time be desired by the controller He shall hold office at the pleasure of the controller and shall receive such compensation as shall be fixed by the controller provided however that the same shall not exceed the sum of six thousand dollars per annum

ARTICLE V

ELECTIONS

Section 501 The board of commissioners of the consolidated city shall have all the powers and duties relative to elections now or hereafter conferred or imposed by law upon boards of county commissioners of counties of the second class

Section 502 A regular municipal election shall be held on the first Tuesday after the first Monday in November of every odd numbered year At such election there shall be chosen such elective officers of the consolidated city as are provided in this charter and the elective officers of the cities boroughs and townships being municipal divisions thereof in accordance with the laws of the state applicable to the same respectively Nominations for all officers for the consolidated city to be elected under the provisions of this charter and the municipal divisions thereof shall be made as provided by the general laws of the state and all primary elections and other elections including special elections shall be conducted in all respects as provided in said laws unless otherwise expressly provided in this charter

Section 503 Special elections called by the board of commissioners shall be held in such cases as are provided by this charter or by the laws of the state Special elections in municipal divisions shall be held when and as provided by the laws of the state applicable to each of them respectively and as provided herein

Section 504 It is the legislative intent and the intent of the electors expressed by their approval of this charter when and if the same is hereafter adopted that the benefits of changes and improvements in the laws governing elections made from time to time by virtue of constitutional amendment or revision or otherwise shall be forthwith made available to the electors of the consolidated city and to this end it is hereby provided that in the event that a proper system of elections by proportional representation or any other substantial change or modification in the conduct of elections is hereafter provided for by constitutional amendment revision or otherwise that the board of commissioners of the consolidated city shall as soon as practicable thereafter submit to the electors of the consolidated city a practicable and equitable plan for the application of said principles to the election of elective officers of the consolidated city the question to be submitted and voted upon at a general or special election as may be determined by the board of commissioners

Section 505 The districts of which the several members of the boards of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as follows

District number one shall consist of that portion of the present city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number two shall consist of that portion of the present city of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number three shall consist of that portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River This district shall not include any municipality wholly surrounded by the city of Pittsburgh but any such municipality shall be considered a portion of district number six as hereinafter provided

District number four shall consist of all that portion

of the present County of Allegheny exclusive of any portion of the city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number five shall consist of all that portion of the County of Allegheny exclusive of any portion of the present City of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number six shall consist of all that portion of the County of Allegheny exclusive of any portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River and shall include any borough which is now or may hereafter be wholly surrounded by the present city of Pittsburgh

ARTICLE VI

PUBLIC ADMINISTRATOR AND ADMINISTRATIVE SERVICE

Section 601 The executive direction and management of the administration of the consolidated city shall be except as otherwise provided in this charter in the sole control of the public administrator It shall be his duty to see that the laws of the United States of the state and the ordinances and resolutions of the consolidated city are faithfully executed He shall present to the board of commissioners annually as provided in Article III hereof a budget of the estimated revenues and expenditures for the ensuing year and in every way promote business efficiency and economy in the administration of the consolidated city and in the departments thereof

Section 602 As soon as practicable after the organization of any board of commissioners pursuant to the provisions of Article III hereof the said board of commissioners shall appoint a competent qualified person to the office of public administrator of the consolidated city No person shall be eligible for appointment to this office unless at the time of his appointment he shall have been a resident of Allegheny County at least five years immediately preceding his appointment The term of office of said public administrator shall be for the period of four years commencing on the first day of January following his appointment The annual compensation of the public administrator shall be as provided from time to time by the board of commissioners by ordinance Provided however that the rate of compensation of the public administrator shall not be diminished during the term of office for which he has been appointed

Section 603 The public administrator may be removed from office for assigned cause in the following manner the president of the board of commissioners shall notify him in writing of the proposal to remove him from office stating the specific grounds for such removal which shall include gross and wilful negligence incompetency or inefficiency in office or the wilful and corrupt demanding taking or receiving of any fee or reward for the performance of any such official duties other than the annual compensation provided for his office The proposal for removal shall be final unless the public administrator within a period of five days after notice of the proposal to remove him from office shall file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which must be granted him He shall have the right at such hearing to be represented by counsel After such hearing the board of commissioners shall vote upon the question of removal provided however that no order of removal shall be effective unless the same receives the affirmative votes of two-thirds of the board of commissioners

Section 604 The public administrator shall have the power to appoint and remove from office the employes of his own office and by and with the consent of the board of commissioners he shall appoint the heads of all departments of the administrative service of the consolidated city and such other officers employes and boards as this charter may provide Any officer or member of a board appointed by the public administrator as aforesaid may be removed for assigned cause in the following manner the public administrator shall first notify in writing the person to be removed of the proposal to remove him stating the specific grounds for such removal Notice by registered mail to his last known address of the person to be removed shall be sufficient for the purposes of this section The order of removal shall thereupon become final unless the person so notified shall within five days file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which request shall be granted He shall have the right at such hearing to be represented by counsel After such hearing the proposal of removal shall become effective and he shall be deemed to have been removed from office unless the board of commissioners by a two-thirds vote shall otherwise determine

Section 605 The public administrator shall have the power of direction and control acting through the directors of the several departments over all officers and employes of the administrative service of the consolidated city He may at any time inquire into the conduct of any department board office or service of any officer member or employe thereof

Section 606 The administrative service of the consolidated city shall include the following departments finance health safety public works welfare parks and recreation planning personnel law personal property and supplies and such other departments divisions and bureaus as the board of commissioners may by ordinance from time to time provide The Board of Commissioners may by ordinance assign and reassign among the departments divisions bureaus offices functions and services of the consolidated city except as the same are specifically assigned by this charter

Section 607 Except as otherwise specifically provided in this charter the directors of departments shall have the power to appoint the other officers and employes thereof subject to the provisions of Article XIV In all cases the appointing officer shall have power to remove from office or to discipline by fine suspension or demotion any officer or employe appointed by him upon furnishing the said officer or employe with a statement in writing of the grounds of the removal or disciplinary action Notice by registered mail to the last known address of the person so to be removed or disciplined shall be sufficient for the purpose of this section The order of removal or discipline thereupon shall become final unless within five days the officer or employe requests the opportunity to be heard by the director of the department or other officer making the order of removal or disciplinary action The hearing shall be private as the person to be removed or disciplined may request He shall have the right at such hearing to be represented by counsel After such hearing the officer making the order of removal or disclipinary action shall confirm the said order or revoke or modify the same in his discretion

At any hearing held upon a proposed removal or disclipinary action a stenographic record of the proceedings shall be taken at the cost of the department involved Within five days after an order of removal or discipline as decided by the head of the department becomes final the person so removed or disciplined may file an appeal in writing in the office of the public administrator setting forth any errors complained of in the decision of the department head in connection with his removal or discipline whereupon the office of the public administrator shall notify the department head of the taking of the appeal and the department head shall forthwith cause to be transcribed and filed with the public administrator the stenographic record of the proceedings so held by him for the removal or discipline of the appealing party The public administrator shall then as soon as practicable review the record and order such further hearings thereon as he deems advisable and the order of the public administrator confirming modifying or revoking the proceedings shall be final without appeal by either party

Section 608 All persons who in accordance with the terms of this charter are appointed for fixed terms shall continue to exercise the functions of their several offices until their successors are appointed and qualified and all persons appointed to fill vacancies in such offices shall be appointed for the unexpired period or term unless otherwise expressly provided in this charter

Section 609 It is the purpose and intent of this charter

that no person shall be removed from office or disciplined by fine suspension demotion or otherwise by reason of his affiliation with any political party or organization nor shall any officer department head or employe of the consolidated city hold any office in any political party organization or engage in political activity during the term of his office or employment in the consolidated city

Section 610 It shall be the duty of each department of the consolidated city to keep and maintain a continual and perpetual inventory of all property real and personal within its supervision or control The forms for such inventories shall be prescribed from time to time by the director of finance subject to approval of the controller The inventory shall be so kept and maintained that it shall at all times show the cost rate of depreciation and present depreciated value of all lands buildings equipment facilities and property within the department together with a description of the same and the location of the same In the case of supplies and equipment the inventory forms shall show the name of the manufacturer factory serial numbers the name of the person firm or corporation from whom purchased the model type size estimated life and installation cost of the same the amount of insurance carried thereon and rate of insurance the date ordered the quantities received unit prices quantities issued requisition serial numbers and quantity on hand together with such other pertinent information regarding the same as may be prescribed from time to time by the director of finance In the case of buildings and structures the nature and composition of the same shall be set forth together with classification for heavy or light use as the case may be

In event of a difference of opinion between the director of finance and the controller as to forms the decision of the chairman of the board of commissioners shall be final

ARTICLE VII

DEPARTMENT OF FINANCE

Section 701 There shall be a director of finance who shall be the head of the department of finance He shall have administrative charge of the financial affairs of the consolidated city including the keeping or supervision of all accounts except those of the controller Except as otherwise provided in this charter he shall appoint the officers and employes of the department subject to the provisions of Article XIV

Section 702 The director of finance shall have power to prescribe the nature and forms of all accounts to be kept in the department of finance and by all officers and employes of the consolidated city subject to the approval of the controller and the times when and the manner in which all officers and employes receiving money for the use of the consolidated city shall pay the same into the treasury

Section 703 In the department of finance there shall be a division of accounts under the immediate charge of the director of finance in which shall be kept the general accounts of the consolidated city These accounts shall be adequate to record in detail the value and custodianship of all property of the consolidated city and all transactions relating thereto and the financial transactions of the consolidated city in such manner as to show in addition to the receipts and disbursements the accruals of revenue and the incurring of obligations in relationship to each fund and appropriation There shall be an appropriation ledger in which each appropriation shall be set up as in the appropriation ordinance and it shall be the duty of the director of finance to encumber each such appropriation with the amount of each order contract or other obligation before the order is placed or obligation incurred Separate accounts shall be kept of all financial transactions relating to current operations including outlays from bond issues condemnation proceedings financing of works in special districts and the principal and interest on the bonded indebtedness of the consolidated city

Section 704 The director of finance shall prepare and submit to the board of commissioners not later than the twentieth day of each month a summary statement of revenues and expenses of the previous month detailed as to appropriations and funds in such manner as to show the exact financial condition of the consolidated city and of each appropriation and fund as of the last day of the previous month This statement shall be made available in pamphlet form for distribution to the public upon request without charge

Section 705 No money shall be drawn from the treasury of the consolidated city nor shall any obligation for the expenditure of money be incurred except in accordance with an appropriation by the board of commissioners At the close of the fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall forthwith be available for reappropriation by the board of commissioners

Section 706 No contract agreement or other obligation involving the expenditure of money out of appropriations made by the board of commissioners shall be entered into nor shall any order for such expenditure be valid unless the director of finance shall first certify that there is an unencumbered balance in the appropriation account to be thus charged therewith sufficient to meet the obligation thus created Nothing in this section or in the preceding sections shall be taken to prevent the consolidated city from entering into obligations for more than one year and not exceeding ten years and for the payment thereof from current revenues from year to year

Section 707 At the close of each fiscal year the public administrator shall appoint one or more certified public accountants approved by the board of commissioners to audit the accounts of the consolidated city and all officers and employes thereof Such accountant or accountants shall have access to all books records and accounts of the consolidated city Upon the completion of said audit an informative abstract of the same shall be published once in the manner provided in section one hundred and ten of this act and shall also forthwith be made available in pamphlet form for distribution to the public upon request without charge

Section 708 No claim against the treasurer of the consolidated city shall be paid except by means of a warrant issued by the director of finance and signed by the director of finance or his authorized deputy and countersigned by the controller or his authorized deputy No such warrant shall be issued to pay a claim for goods delivered unless the receipt of the goods for which the claim is made is certified by the purchasing agent and the officer and employe accepting delivery of the same on behalf of the consolidated city No warrant shall be issued for the payment of any wages or salary other than the compensation of elective officers except upon the basis of a payroll or pay voucher certified by the department for which the service has been rendered and by the director of the department of personnel No warrant shall be issued for the payment of the whole or part of the obligation of any contract for public work or for contractual services until the performance of such part of the contract as entitled the claimant to receive the same has been certified by the head of the department under the direction of which the work or service is performed The director of finance may require such additional evidence of the validity of any claim and conduct such investigation with regard thereto as he may deem necessary For this purpose he shall have access at all reasonable times for himself or for any person designated by him to books records and cash in the offices of the treasurer and of all other offices keeping accounts or handling money on behalf of the consolidated city pertinent to said investigation In connection therewith he may summon witnesses administer oaths and order the production of relevant books records and papers If any person fails to observe such summons or order or refuses to answer a proper question addressed to him by the director of finance in the course of any hearing the said director of finance may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books records and papers demanded and to answer any question or questions If said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall thereupon issue the same

Section 709 In the department of finance there shall be a division of the treasury at the head of which there

shall be the treasurer of the consolidated city The treasurer shall appoint all officers and employes of this division subject to the provisions of Article XIV section fourteen hundred ten (1410) It shall be the duty of the treasurer to collect all assessments and taxes due the consolidated city including delinquent taxes and the office of the delinquent tax collector for Allegheny County is hereby abolished as of the effective date of this Charter Annually and prior to the date when taxes are payable in advance the treasurer shall mail to each taxpayer a tax bill setting forth in detail such data relating thereto as may be prescribed from time to time by the board of commissioners This provision is directory only and not mandatory and the failure to mail any such bill shall not invalidate the levy of any tax or any proceedings based upon such levy The treasurer shall for the convenience of the public arrange with banking or other institutions located throughout the consolidated city for the receiving and turning over to the said treasurer of tax payments No such arrangement shall be valid or effective until the same has been approved by the board of commissioners and an ordinance adopted authorizing the treasurer to make such arrangements

Section 710 Upon the effective date of this Charter all taxes of the consolidated city shall be payable in advance during the months of April May and June of each year Each taxpayer shall have the option to elect to pay said taxes quarterly or monthly A taxpayer electing to pay his taxes quarterly or monthly shall so advise the treasurer in writing on or before the thirtieth day of April of any year at the same time paying the first quarterly or monthly payment as the case may be With respect to quarterly payments the second payment shall be made during the month of July the third during the month of October and the fourth during the month of January and each of said quarterly payments shall become delinquent on the first day of each succeeding month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes With the exception of the first monthly payment for the month of April above mentioned all monthly payments of taxes shall be made on or before the tenth day of each month and each of the same shall become delinquent on the eleventh day of each respective month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes

A discount of five precent shall be allowed on all yearly taxes paid in full during the months of April May and June and during the month of July all taxes shall be payable at face No discount shall be allowed on taxes paid under the quarterly or monthly option Taxes and installments thereof not paid at the times fixed for the payment of the same shall be deemed delinquent and two percent of the total amount of said taxes or installment shall forthwith be added thereto as a penalty for the non-payment thereof at the times prescribed and in addition to said penalty said delinquent taxes shall bear interest at the rate of one-half of one percent per month on the face amount of said delinquent taxes or installments thereof for each and every month that the same shall remain delinquent or unpaid

Section 711 It shall be the duty of the treasurer to keep safely the moneys of the consolidated city and to pay out the same only on warrants issued and countersigned as hereinbefore provided The treasurer shall keep the public funds in such banks or banking institutions as the board of commissioners may from time to time by resolution prescribe and approve and under such terms conditions restrictions and safeguards as the said board of commissioners shall from time to time provide No treasurer complying with the provisions of this section and of any ordinance of the consolidated city pursuant thereto nor his surety or sureties shall be chargeable with losses of funds of the consolidated city caused by the insolvency or negligence of any such depositary The deposit of funds in an approved bank or banking institution shall be at the best rate of interest obtainable by seeking competitive bids therefor and all interest earned thereon from time to time shall accrue to the benefit of the consolidated city No security for the deposit of such moneys shall be approved by the board of commissioners unless it shall be to the full extent of the moneys deposited or to be deposited and unless the surety be a corporation authorized to transact business in the state of Pennsylvania provided however that securities of the United States of the state of Pennsylvania and/or municipal divisions thereof in kind and amount approved by the board of commissioners may be deposited with the treasurer in lieu of a corporate surety bond

Section 712 There shall be a division of assessment the head of which shall be the assessor of the consolidated city He shall be appointed by the public administration subject to the approval of the board of commissioners as provided in Article VI and shall assess as hereinafter provided all property offices professions and persons within the consolidated city for taxation by the consolidated city and all the municipal divisions and school districts thereof The division of assessment of the consolidated city shall have all the powers and duties of the board for the assessment and the revision of taxes of Allegheny County and of subordinate assessors as the same shall be at the time of the adoption of this charter and except as the same are inconsistent with the terms of this charter and/or any ordinance of the board of commissioners adopted in accordance therewith The assessor shall appoint all assistant assessors and employes of this division subject to the provisions of Article XIV and in addition to the assessment of property offices professions and persons for taxation shall perform such duties as are provided by this charter or by any ordinance not inconsistent therewith

Section 713 The said assessor shall be assisted in the performance of his duties by the said assistant assessors who shall be assigned to assess property offices professions and persons for taxation within the several municipal divisions of the consolidated city In municipal divisions in which on the effective date of this charter there shall be assessors or boards of assessment whose terms of office shall not have expired then the duties of the said assistant assessors shall be performed within the limits of said municipal divisions by the said assessors or boards of assessment of each respective municipal division until the expiration of their respective terms of office and upon the expiration of the term of office of any assessor or board of assessment in any of said municipal divisions the office of said assessors and of the said boards of assessment shall be abolished and be no longer in effect and from and after such date the assessment of property offices professions and persons for taxation therein shall be performed by the assessor of the consolidated city and the assistant assessors thereof as aforesaid

It shall be the duty of the assistant assessors to value all property offices professions and persons for such taxation therein by the respective municipal divisions and by the consolidated city as is in accordance with the general laws of the state in the manner and within the time prescribed by the assessor of the consolidated city The instructions of the assessor of the consolidated city to the assistant assessors shall provide among other things for (a) the valuation of land buildings and machinery each item being stated separately (b) the recognition of each separate factor of value and unit of quantity (c) uniform rules for the calculation of the value of lots of irregular shape or corner lots and of lots of abnormal depth or shallowness (d) the use of current statistics of sales and the prices of labor and commodities (e) rules for estimating the effect of appreciation depreciation and obsolescence (f) rules in aid of sound judgment in estimating the effect of irregularity of topography lack of economic utility and other unusual influences including use access and availability (g) rules for estimating the value of various types and sizes of buildings

Upon the basis of the valuations furnished by the assistant assessors the assessor of the consolidated city shall in the exercise of his sound judgment and in accordance with the principles of valuation hereinabove set forth triennially assess for appropriate taxation all property offices professions and persons within the consolidated city and record the same upon the assessment roll and upon the tax maps and land value maps hereinafter referred to which roll and maps shall be open to public inspection at the office of said assessor between the hours of nine o'clock in the forenoon and five o'clock in the

afternoon of any business day provided that between triennial assessments the assessor may revise any assessments or revaluation in the manner now provided by law applicable to the present board of assessment and revision of taxes of the County of Allegheny The assessment roll for each year shall be compiled and turned over to the board of assessment appeal on or before the first Monday of October of each respective year

Section 714 The assessor shall maintain a system of tax maps and land value maps and shall record separately each parcel of land the value of any building or other improvement thereon The tax maps shall show the dimensions of each separately assessed parcel of land and the land value maps shall show the value per front foot according to a standard unit of depth of all land abutting on any street public way or place within the consolidated city but as to farm land and other lands not sub-divided into lots less than one acre in size the land value maps shall show the value per acre All such maps and other records of the assessor shall be open to public inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon

Section 715 There is hereby established a board of assessment appeal consisting of three members Said board shall be appointed by the board of Commissioners for a term of six years commencing the first Monday of January following the year in which this charter shall be adopted No person shall be eligible to such appointment who at the time thereof shall not have been a resident of the consolidated city for a period of five years The said board of assessment appeals shall hear in accordance with such reasonable rules as it may prescribe from time to time all persons aggrieved by any assessment and shall have full power to confirm and correct adjust and equalize assessments as between individual parcels of property and as between municipal divisions Appeals may be taken from the board of assessment appeal to the court of common pleas of Allegheny County in the manner and form now provided by law for appeals from tax assessments of the board of assessment and revision of taxes of the County of Allegheny

Section 716 On the first Monday of January of each year or at any other time as may be necessary for the purpose of levying taxes the board of assessment appeal shall certify to the appropriate officer of each municipal division and school district a copy of the assessment roll for that municipal division or district as corrected adjusted and equalized Such assessment roll shall furnish the valuation of all properties subject to taxation in such municipal division and school district in appropriate form and detail Nothing in this charter shall in any way be taken to repeal affect or modify any law of the state now in force providing for a separate and different rate of taxation in any municipal division or district upon land improvements or machinery or any exemption or reduction pertaining thereto

Section 717 Except as otherwise provided in this charter the laws of the state relative to the assessment and collection of taxes shall remain in full force and effect in the consolidated city and each municipal division thereof

Section 718 Whenever the electors of the consolidated city shall have consented to an increase of indebtedness exceeding two percent upon the last preceding assessed valuation of the taxable property therein the board of commissioners may for the purpose of financing any work or improvement for which such increase of indebtedness has been authorized issue short-term notes which shall be chargeable to the said increase of indebtedness and paid for from the sale of securities issued in pursuance of such authorization provided however that the said short-term notes shall not be issued for a term longer than three years and after notice of the sale has been published twice in accord with the provisions of section one hundred and ten of this act shall be sold to the highest bidder at not less than par and accrued interest and the terms of maturity of said notes and securities shall not in the aggregate exceed thirty years

Section 719 It shall be the duty of all persons copartnerships and corporations furnishing materials supplies or services to the consolidated city or any department division or office thereof to keep and preserve all records pertaining thereto for a period of not less than six years from the date of the furnishing thereof except records of services rendered by public service companies where they are permitted by any state or federal law or by any proper state or federal commission or similar body to destroy such records within a shorter period Any person copartnership or corporation violating the provisions of this section shall be guilty of misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars or imprisonment for not exceeding one year or both in the discretion of the court

Section 720 Any officer department head or employe of the consolidated city having in his possession custody or control any books documents or records of the consolidated city or having the responsibility therefor who shall neglect or fail to keep or cause to be kept the same in good condition and available for public inspection at all reasonable times during any business day shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine not exceeding one thousand dollars or imprisonment for a period not exceeding one year or both in the discretion of the court

ARTICLE VIII

DEPARTMENT OF HEALTH

Section 801 There shall be a department of health which shall have all the rights and perform all the duties and obligations imposed by this charter and by the laws of the state upon health officers and boards of health and as may be conferred upon it from time to time by ordinance

Section 802 There shall be a director of health who shall be a doctor of medicine licensed to practice in the state of Pennsylvania and having not less than fifteen years of active practice or a person having a degree of doctor of medicine and also the degree of doctor of public health and having had not less than five years experience in the active practice of his said profession He shall be the executive head of the department and shall have power to appoint all other officers and employes of the department subject to the provisions of Article XIV

Section 803 The said department of health shall have power to make and enforce all necessary orders and regulations in addition to and not in conflict with the laws of the state or the ordinances of the consolidated city which it may deem necessary from time to time to protect the public health which orders and regulations may apply to the whole or any part of the consolidated city It shall have the power and duty to make and enforce all necessary orders and regulations for the proper enforcement of the laws of the commonwealth and the regulations of the state department of health relating to the conservation of health including the control of communicable diseases It shall have the power and duty to remove prevent and abate nuisances which it shall deem to be prejudicial to the public health It shall have the power and duty to regulate infected places by the separation of infected persons and persons who shall have been exposed to any communicable disease to mark infected houses or places to prescribe such orders and regulations as it shall deem necessary from time to time for the conservation of public health It shall have the power subject to the approval of the board of commissioners in case of the prevalence or apprehending prevalence of any communicable disease in the consolidated city to establish one or more emergency hospitals and to make provision for the maintenance and management of the same

Section 804 There shall be a health advisory board in the department of health consisting of the director of health and twelve other members The said twelve members shall serve without compensation and no other person shall be appointed to said board unless he is a doctor of medicine licensed to practice in the State of Pennsylvania having had not less than five years of active practice or a person having a degree of doctor of public health or a person experienced in municipal health activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in article six and

each member shall be appointed for a term of six years Provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years beginning the first day of January following the appointment In making appointments to said board the appointments shall be so made that at all times there are as members thereof excluding the director of health six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents in each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman a vice chairman and secretary The director of health with the approval of the health advisory board shall from time to time recommend to the board of commissioners the adoption of ordinances to insure the effective carrying out of the orders and regulations of the department of health and the board of commissioners may enact ordinances pertaining thereto and may provide penalties for the violations of the provisions thereof not inconsistent with the provisions of this article It shall be the duty of the health advisory board to keep itself informed of all the activities of the health department and to inspect quarterly health conditions and institutions which may be under the supervision of the department of health and to report its findings with regard thereto from time to time to the board of commissioners The director of health shall attend all meetings of the health advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 805 The department of health shall have the power to enforce its orders and regulations directly upon individuals corporations and properties in any municipal division It shall be the duty of all health authorities in the municipal divisions to conform to and enforce all valid ordinances of the commissioners of the consolidated city and all valid orders and regulations of the department of health of the consolidated city Whenever in the opinion of the director of the department of health there exist in any municipal division conditions which constitute a menace to the health of the residents beyond the limits of said municipal division or whenever it be known to the director of health that any municipal division having authority under law to have a health officer or board of health is without the services of the same or the same it not conducting his or its duties efficiently the said department shall have the power to enter and take full charge and administer the health laws regulations and ordinances affecting such municipal division and to continue in charge thereof until a competent and efficient health officer or board of health is qualified and ready to assume the direction of health therein and all expenses incurred by the department of health of the consolidated city in performing such duties under this section shall be the obligation of the municipal division and when certified by the director of health to the governing body of the municipal division the said governing body shall appropriate a sum sufficient to pay the same Provided however that no charge shall be made for any services made in a municipal division not authorized by law to have a local health department or officer All sums received from any municipal division for administration of health therein under the provisions of this section shall be credited to the department of health and used exclusively for the promotion of health in the consolidated city

Section 806 Any municipal division may surrender to the consolidated city its powers and duties in relation to public health upon such terms and conditions as may be agreed upon and thereafter the department of health of the consolidated city shall assume exclusive direction and control of the direction of public health in said municipal division

Section 807 The department of health shall provide means for the conduct of such laboratory and statistical service as may be necessary for the protection of public health in the consolidated city Laboratories may be either maintained by the department of health or laboratory service may be contracted for by the said department with established laboratories approved by the director of health

Section 808 All examining centers clinics and hospitals established or maintained by the consolidated city shall be administered by the department of health except where the same are under the jurisdiction and supervision of the department of welfare as hereinafter provided

Section 809 Any person copartnership or corporation who shall fail neglect or refuse to comply with or who shall violate any of the provisions of this article or any order or regulation of the department of health or who shall obstruct or interfere with any person in the execution of the same shall be guilty of a misdemeanor and for every such offense shall upon conviction thereof be sentenced to pay a fine of not exceeding five hundred dollars to be paid to the consolidated city and costs of prosecution or to be imprisoned for a period of not more than six months or both in the discretion of the court

ARTICLE IX

DEPARTMENT OF SAFETY

Section 901 There shall be a department of safety at the head of which shall be the director of safety He shall have all the powers of the directors of public safety now have in cities of the second class insofar as the same relate to the preservation of public peace and order He shall have the power to appoint all officers and employes of this department subject to the provisions of Article XIV

Section 902 There shall be a division of police at the head of which shall be a superintendent in which shall be organized the police force of the consolidated city This force shall comprise the consolidated city police The qualifications for admission shall be at least equivalent to those for admission to the Pennsylvania state police In addition no person shall be appointed an active member of the consolidated city police who shall not have been trained for a period of six months in the laws and ordinances relative to his duties and in methods of policing and shall not have completed an additional probationary period of fourth months During the training and probationary periods candidates for appointment to the consolidated city police may receive such compensation as may be determined by the board of commissioners The rules governing compensation promotion and discipline shall not be less strict than those of the Pennsylvania state police The consolidated city police shall have jurisdiction throughout the consolidated city including concurrent jurisdiction with municipal police in any municipal division which maintains a police department and the duty of patrolling through-traffic streets therein Members of this force or organized units thereof may be assigned in the discretion of the superintendent for duty in any municipal division at the request of the governing body thereof to serve under the direction of the mayor burgess or chairman of the board of township commissioners or supervisors upon its agreement to pay during the period of said assignment the full compensation including pension fund contribution if any of the portion of the force assigned to it and to assume all liabilities incident to the same extent as if the said assigned portion of the force were regular employes of the municipal division concerned Any such assignment may be terminated at any time by the superintendent If any municipal division pursuant to Article XVIII section eighteen hundred three shall surrender to the consolidated city its powers relating to police the personnel of the police force of such municipal division at the time of such surrender shall be transferred to the consolidated city police subject to Article XIV and the superintendent of the consolidated city police shall thereupon assume control and direction of police in such division Such surrender shall not be complete nor accepted by the board of commissioners of the consolidated city unless the municipal division shall

agree with the said board of Commissioners upon the amount and method of payment to the consolidated city of a contribution by the municipal division sufficient to pay the actual cost of policing such municipal division It shall be the duty of the police authorities of every municipal division to report forthwith to the division of police of the consolidated city all crimes and misdemeanors committed within the said jurisdiction in such form as may be prescribed from time to time by the director of safety and together with such information thereon as may be obtained from time to time by the said police authorities of the municipal divisions

Section 903 There shall be a division of crime detection at the head of which shall be a superintendent This division shall include the consolidated city detective bureau to which bureau is hereby transferred the personnel of what is now known as the county detective bureau subject to Article XIV Any municipal division which pursuant to Article XVIII Section eighteen hundred three shall surrender to the consolidated city its powers in relation to the detection of crime shall likewise have the personnel of its detective bureau transferred to the consolidated city detective bureau subject to Article XIV No person shall be appointed to the consolidated city detective bureau who shall not have been trained for a period of six months in the laws and ordinances relating to his duties and in methods of detection apprehension and identification of criminals and shall not have completed an additional probationary period of four months In the case of persons appointed to the detective bureau from the consolidated city police the period of training and probation may be dispensed with in the discretion of the superintendent During the training and probationary periods candidates for the consolidated city detective bureau may receive such compensation as the board of commissioners may determine The jurisdiction of the consolidated city detective bureau shall be co-extensive with the consolidated city and as further provided by law There shall be maintained in this bureau all the necessary facilities and records for the apprehension and identification of criminals and the detection of crime includng laboratories and scientific apparatus appropriate for said purposes This bureau shall also keep complete records of all offenses reported to it or to the consolidated city police or to any organized unit thereof assigned for service in any municipal division and it shall be the duty of the superintendent to see that these records are maintained The services of the consolidated city detective bureau shall be available to the police department of any municipal division upon request

The district attorney may from time to time in writing request the services of a stated number of said detectives for the purposes of investigating and endeavoring to obtain such evidence as may be required by him in any criminal case and to perform such other duties as the district attorney may direct pertinent to the work of the district attorney's office and upon the termination of the work for which any detective has been so requisitioned the said detective shall return to the general service under the superintendent of the division of crime detection

Section 904 There shall be established in the department of safety a division of traffic control with such technical staff as may be determined by the board of commissioners The board of commissioners may vest in the said division the execution of any or all of the powers of the consolidated city with regard to the control of traffic

Section 905 There shall be a consolidated city traffic commission consisting of twelve persons appointed by the public administrator and approved by the board of commissioners as provided in Article VI and of the following persons ex officio the president of the board of commissioners the directors of the departments of safety public works law and planning and the heads of the several bureaus of traffic division The members of the traffic commission shall serve without compensation The appointed members shall be appointed for a term of four years beginning the first Monday of January of the year following the adoption of this charter The duties of the traffic commission shall be to advise the board of commissioners the administrative departments of the consolidated city and the governing bodies of the several municipal divisons always subject to the powers of the planning commission with regard to street rearrangement and use of the best methods for the administration of street traffic regulations and of the improvements and changes both legislative and administrative requisite for the reduction of street traffic accidents the relief of traffic congestion and the improvement of traffic conditions

Section 906 It shall be the duty of the director of safety to report quarterly to the board of commissioners a statistical summary of all complaints received by his department the arrests informations summonses and notices of violations made or issued by or through the initiative of his department with respect to all offenses including traffic offenses together with the disposition of the same All cases not finally disposed of in the quarter in which they originated shall be accounted for in a separate section of each succeeding report until finally disposed of These reports shall be open to public inspection

Section 907 There shall be a division of inspection at the head of which shall be a superintendent to have charge of enforcing regulations with regard to the production or emission of smoke and the construction of chimneys stacks flues smoke-pipes and ventilators and of all other duties of an inspectional nature devolving upon the consolidated city or any officer or employe thereof and which are not conferred upon other administrative departments or divisions by the terms of this charter The board of commissioners may authorize this division to inspect building construction and to cooperate with the authorities of the municipal divisions in securing the enforcement of laws and ordinances relating to building construction and make recommendations with regard thereto

Section 908 There shall be a division of fire prevention at the head of which shall be a superintendent to be charged with the duty concurrently with the fire departments of the municipal divisions of inspecting premises within the consolidated city for the purpose of securing the enforcement of laws and ordinances relating to the prevention of fire including all the powers and duties now possessed by the fire marshal of Allegheny County which office is hereby abolished

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

Section 1001 There shall be a department of public works which shall exercise such powers and duties relating to public works of every kind of the consolidated city as may be determined by ordinance from time to time by the board of commissioners The term "works" wherever used in this article shall be taken to mean buildings improvements roads and structures constructed erected maintained or operated by the consolidated city of whatsoever kind or nature except works under the jurisdiction of the Department of Parks and Recreation and shall include all public buildings and improvements of every kind and purpose which the county of Allegheny may be authorized to construct erect operate or maintain at the date of the adoption of this charter

Section 1002 There shall be a director of public works who shall be the head of the department of public works No person shall be eligible for appointment to the office of director of the department of public works who at the time of his appointment is not a registered civil engineer with at least ten years prefessional experience He shall have the power to appoint all the other officers and employes of the department subject to the provisions of Article XIV After the expiration of the terms of office of the County Surveyor and county engineer of the County of Allegheny respectively in office on the date when this charter shall take effect the director of said department shall thereafter have all the rights and powers and perform all the duties at present vested by law in the present surveyor and engineer and from and after that date the offices of county surveyor and county engineer insofar as the same pertain to the county of Allegheny are hereby abolished and the rights powers and duties thereof shall thereafter be exercised by the director of the department of public works

Section 1003 The organization of the said department of public works shall be determined by the board of com-

missioners from time to time by ordinance as provided in section three hundred twenty-three (323) of Article III Provided however that the organization of the department of highways bridges and tunnels of the county of Allegheny and the organization of any other department board or bureau insofar as any of its powers or duties are vested by this charter in the department of public works as the same shall exist on the effective date of this charter shall continue to be a temporary part of the organization of the department of public works until changed by proper action under the provisions of this charter

ARTICLE XI

DEPARTMENT OF WELFARE

Section 1101 There shall be a department of welfare which shall have full charge and direction of public welfare activities of the consolidated city It shall have among other things all the rights powers and duties at present vested in the directors of the poor of the County of Allegheny and in the department of welfare of the present city of Pittsburgh except as otherwise provided in this charter

Section 1102 There shall be a director of welfare who shall be the head of the department of welfare and except as otherwise provided in this article shall appoint all officers and employes of the department subject however to the provisions of Article XIV No person shall be appointed director of welfare who has not had training and experience in social work and in the administration of a social welfare agency or of a public welfare board or bureau

Section 1103 There shall be a welfare advisory board in the department of welfare consisting of the director of welfare and twelve other members The said twelve members shall serve without compensation No person shall be appointed to said board who holds any public office and who is not a person experienced in business civic and social welfare activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in Article VI and each member shall be appointed for a term of six years provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years In making appointments to said board the appointments shall so be made that at all times there are as members thereon excluding the director of welfare six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents of each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman vice-chairman and a secretary The director of welfare with the approval of the welfare advisory board shall recommend to the department of personnel the minimum qualifications of all officers and employes of the department provided however that in all cases the heads of all divisions boards or bureaus of said department shall be persons experienced and trained in social welfare work The board shall be charged with the organization and development of the physical facilities for welfare work It shall be its duty to recommend to the board of commissioners the acquisition of lands and buildings and the erection remodeling and equipment of buildings by the consolidated city for welfare purposes It shall further be the duty of the board to keep itself informed of all the activities of the welfare department and to inspect quarterly the several institutions and services of the said department and to report its findings with regard thereto at least twice in each year to the board of commissioners The director of welfare shall attend all meetings of the welfare advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 1104 The organization of the department of welfare shall be determined from time to time by the board of commissioners by ordinance No ordinance relating to the organization or changing the organization of said department shall be adopted except in the form proposed by the director of welfare and bearing the approval of the welfare advisory board and the public administrator In organizing and changing the organization of said department from time to time there shall be created such divisions departments and bureaus within the department as shall be deemed advisable for the proper discharge of the duties of said department

Section 1105 The department of welfare shall have in addition to the powers and duties heretofore imposed upon it by this charter the following specific powers and duties

(a) To provide relief or services needed by poor dependent or indigent individuals or families in their own homes whatever the cause of their dependency securing or providing specialized service in the nature of medical care mental hygiene treatment occupational adjustment and similar services when in the opinion of the director the same is a necessary part of the protection and relief of the said individuals or families

(b) To provide adults and children with needed maintenance and service whether medical social occupational or otherwise including placement and supervision whether in foster homes or in institutions where such placement is voluntary on the part of the individual or of the families or of such person or persons who may have legal custody or guardianship of such individuals

(c) To investigate complaints of neglect abuse or cruelty to children and conditions in any municipal division promoting child neglect and to institute appropriate action in the proper court or courts for the protection of any child or children the subject of any negligence abuse or cruelty and in cooperation with the juvenile court of Allegheny County to take such action as may be deemed necessary to abate any conditions in any municipal division which tend to cause child neglect or child delinquency

(d) To provide such care in institutions or foster homes as may be necessary for such persons as may by an order of a proper court of the County of Allegheny be committed to the care of the department of welfare

(e) To erect construct maintain and operate subject to the approval of the board of commissioners such institutions as may be necessary from time to time for the care of any persons coming within the jurisdiction of the department and to provide such care in institutions maintained by any public municipal or private corporation or by any person or association

(f) To administer the expenditure of moneys received by the consolidated city from the United States the state or any municipal division or bureau thereof and to administer any moneys received by virtue of any order of court or by gift devise or bequest provided however that said moneys are so received for purposes within the scope of the powers and duties of the department This power shall include the administration within the consolidated city of the mothers' assistance fund the old age assistance fund and the pension fund for the blind

(g) To conduct research on social needs problems conditions and resources within the consolidated city and from time to time to recommend to the board of commissioners such rules regulations and ordinances as are designed to abate or ameliorate conditions promoting dependency delinquency or neglect

(h) To provide such other and additional service for the welfare of the citizens of the consolidated city as may be necessary or advisable from time to time or such as may be conferred upon it by ordinance or by this charter and generally to cooperate so far as possible with the administration of similar service by federal state or municipal officers and agencies

Section 1106 The organization of the office of the di-

rectors of the poor of the County of Allegheny and of the department of welfare of the present City of Pittsburgh as the same may be on the effective date of this charter shall continue for a period of not more than six months to be a temporary part of the organization of the department of welfare of the consolidated city It is the intent and purpose of this article that the organization of the department of welfare as provided in section eleven hundred four hereof shall be completed within not more than six months after the effective date of this charter and that until so organized the said offices of the directors of the poor and of the department of welfare of present city of Pittsburgh shall continue to function It is further the intent and purpose of this article that in the organization of the department of welfare of the consolidated city pursuant to the terms hereof that in all cases persons in the employ of the said offices of the directors of the poor of the County of Allegheny or of the department of welfare of the present city of Pittsburgh shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of welfare of the consolidated city

Section 1107 The directors of the poor of the County of Allegheny in office on the effective date of this charter shall continue in the service of the consolidated city until the expiration of the terms for which they were elected and shall perform such duties in connection with the department of welfare as may be assigned to them by the director of welfare and during the remainder of their terms of office they shall continue to receive the same compensation as if this charter had not been adopted

ARTICLE XII

DEPARTMENT OF PARKS AND RECREATION

Section 1201 There shall be a department of parks and recreation which shall have supervision and control of all parks and recreation facilities of the consolidated city The term "parks and recreation facilities" shall be construed to include all parks playgrounds athletic fields community centers swimming pools and other recreational athletic or cultural facilities owned controlled or operated by the consolidated city

Section 1202 There shall be a director of parks and recreation who shall be the head of the department of parks and recreation and except as otherwise provided in this article shall be in charge of the activities of the department He shall have the power to appoint subject to the provisions of section twelve hundred five of this article and of Article XIV all of the officers and employes of the department and such landscape architects registered architects and registered engineers as may be advisable He shall be appointed by the public administrator and approved by the board of commissioners as provided in Article VI hereof

Section 1203 There shall be a park and recreation advisory board consisting of the director of parks and twelve other members Said twelve members shall serve without compensation for a term of six years from the first day of January following their appointment provided however that the first appointments to said board shall be made in the following manner four members for a term of two years four for a term of four years and four for a term of six years and thereafter appointments shall be made for the term of six years Appointments shall be made in such manner that at all times there shall be on said board exclusive of the director of parks and recreation six members resident within the limits of the present city of Pittsburgh and six members residing in the consolidated city but outside the limits of the present city of Pittsburgh In making said appointments the public administrator shall also give due consideration to the geographical distribution of said members as to residence within the aforesaid limitations

Section 1204 The park and recreation board shall have the power and duty to supervise control and maintain the park and recreational facilities of the consolidated city It shall be its duty to recommend to the board of commissioners the acquisition of park and recreational facilities and the erection improvement and development of parks and recreational facilities of the consolidated city from time to time The said board shall likewise recommend from time to time to the board of commissioners that the consolidated city join with any state or federal agency municipal division or divisions school district or districts in the acquisition improvement maintenance and/or management of park and recreational facilities and in the employment of any person firm or corporation to this end provided however that nothing in this article shall be construed to diminish the powers of municipal divisions over their respective park and recreational facilities

Section 1205 The park and recreation advisory board shall have the power and duty to prescribe the qualifications of the officers and employes of the department and transmit the same to the department of personnel for adoption by the department of personnel and by the board of commissioners as provided in Article III section three twenty-three It shall organize by selecting from its members a chairman and vice-chairman and shall select and employ a secretary and establish rules and regulations for the governing of its proceedings and the performance of its duties It shall have the power subject to the approval of the public administrator to recommend to the board of commissioners the organization within said department of such bureaus and divisions as it shall deem advisable for the proper conduct of the powers and duties of the department and the board of commissioners may thereupon create said bureaus or divisions as so recommended

Section 1206 The director of parks and recreation subject to the approval of the park and recreation advisory board shall make and enforce all rules and regulations necessary for the safe and proper use and enjoyment of the park and recreation facilities of the consolidated city and shall recommend from time to time to the board of commissioners the adoption of such ordinances as may be deemed necessary for the carrying out more fully of the aforesaid rules and regulations The director of parks and recreation may from time to time request of the department of safety and said department of safety shall thereupon assign to the department of parks such number of consolidated city police as shall be necessary for the proper protection of persons and property in and about park and recreation facilities of the said consolidated city While so assigned to the department of parks and recreation the said consolidated city police shall in addition to the powers and duties heretofore conferred upon them by this charter perform such other duties as may be required by the director of parks and recreation

Section 1207 In exercising its powers and duties the department of parks shall cooperate so far as practicable with the park and recreation officials of the municipal divisions of the consolidated city

Section 1208 The department of parks and recreation shall develop formulate and administer a program for the conduct of all park and recreational activities of the consolidated city with the view to providing the persons using said facilities with an adequate program of social cultural physical and educational activities therein

ARTICLE XIII

DEPARTMENT OF PLANNING

Section 1301 There shall be a department of planning which shall exercise the planning powers of the consolidated city The department of planning shall exercise all the rights powers and duties heretofore vested in the County of Allegheny with respect to planning and such other rights powers and duties with respect to planning as the board of commissioners may from time to time determine by ordinance

Section 1302 There shall be a director of planning who shall be the head of the department of planning No person shall be appointed director of planning who is not a person with training and experience in city or regional planning and qualified by training or experience in the professions of architecture engineering or landscape architecture and competent to prepare and interpret surveys of a physical social and financial character as the basis for the arrangement rearrangement and coordinated development of the consolidated city

Section 1303 There shall be an advisory planning

board consisting of the director of planning and twelve members The members of said board shall be appointed by the public administrator and approved by the board of commissioners The members of the board shall serve without compensation and no member of the board shall hold any other public office or receive compensation from any other municipality or public agency Six members of said board shall be residents of the present city of Pittsburgh and the remaining six shall be residents of the consolidated city outside of the limits of the present City of Pittsburgh The administrator in making said appointments shall give due consideration to the geographical distribution of the residence of each of the urban or suburban territories Appointments to said board shall be for a term of six years provided however that the board as first constituted shall consist of the following members The members of the County Planning Commission of the County of Allegheny in office on the effective date of this charter shall continue as members of the planning board until the expiration of the terms for which they shall have been appointed The remaining three members of the board shall be appointed one for a term of two years one for four years and one for six years from the first day of January following the adoption of this charter provided however that the public administrator in appointing said three members shall choose them from such part or parts of the consolidated city as shall most nearly effect the intent of this section in dividing the membership of said board equally between the present city of Pittsburgh and the remainder of the consolidated city Thereafter all appointments to said board shall be for the term of six years and in making said appointments the public administrator shall choose the members thereof in such manner that the present City of Pittsburgh and the remainder of the consolidated city shall be equally represented as above provided

The said advisory planning board shall also include as non-voting members thereof from time to time the director of any department of the consolidated city which is interested in or concerned with any project or plan under consideration from time to time and so long as any such project or plan is so considered he shall have adequate notice of all meetings of the board at which such project or plan is to be considered

Section 1304 The advisory planning board in submitting any report to the board of commissioners in the exercise of any of the powers or duties imposed by this article shall include therein and interpret the physical social and financial aspects of the matters covered by such report together with such suggestions as the board may desire covering the coordination of planning for the same and shall make such other studies and investigations with respect to any planning study as the board of commissioners may request from time to time

Section 1305 The director of planning shall have the power to appoint the employees of the department subject to the provisions of Article XIV It is the intent and purpose of this section that in the organization of the department of planning pursuant to the terms hereof that in all cases persons in the employ of the county planning commission aforesaid shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of planning of the consolidated city

Section 1306 . The department of planning in the exercise of its functions shall coordinate its activities with the planning bodies of any municipalities within the consolidated city having planning powers in connection with any plan or map affecting said municipal divisions It being the intent and meaning hereof that the said department in the exercise of its functions shall not make or adopt any plan rule or regulation inconsistent with any existing ordinance of any said municipalities or official plans prepared by the legally constituted planning bodies in any municipality within the limits of the consolidated city In the event that the department of planning in the exercise of its functions desires to adopt any plan map rule or regulation affecting a municipal division having planning powers but which has not exercised the same or adopted an official plan for said municipal division in accordance with its local planning powers then the department of planning shall advise the authorities of said municipal division of its intention to make or adopt a plan map rule or regulation affecting said municipal division Whereupon it shall be the duty of the municipal division to exercise its planning powers with regard to the subject matter of the notice herein provided for and in the event that said municipal division does not so exercise its powers as to cover the subject matter of said notice within a period of one year after receipt of said notice then any map plan rule or regulation thereafter adopted by the department of planning shall be in full force and effect within said municipal division to the same extent as if it had been adopted by the municipal division itself Nothing in this article shall be construed to affect the exclusive powers of the department of planning with respect to plans of lots in the townships within the consolidated city

Section 1307 Upon request of the board of commissioners and upon appropriation thereby of adequate funds to meet the expense of the same the department of planning shall prepare an official map or plan of the consolidated city and all municipal divisions thereof and in connection with the same shall so far as practicable indicate thereon the results of existing surveys and investigations as to physical social and financial aspects of the subject matter of the plan The department of planning may make and adopt such official plan as a whole or may make and adopt successive parts of the plan said parts corresponding with major geographical divisions of the consolidated city Before the adoption of said official plan or any such part thereof the department of planning shall hold at least one public hearing thereon notice of the time and place of which shall be given in the same manner as notice of ordinances as provided in Article III of this charter

Section 1308 Whenever the department of planning shall have made and adopted an official plan of the consolidated city or of one or more portions thereof as aforesaid it shall be competent for the board of commissioners by ordinance to provide that thereafter no municipal division shall make adopt or enforce any local plan inconsistent with the said official plan and provide suitable penalties therefor together with the power to provide that any building or structure erected in violation of the provisions thereof may be abated as a nuisance No such ordinance shall be adopted unless and until the board of commissioners shall hold a public hearing thereon after notice provided in Article III of this charter Thereafter any municipal division so affected shall revise or amend its existing plans if any so as to conform with the requirements of this section

ARTICLE XIV

DEPARTMENT OF PERSONNEL

Section 1401 There shall be a department of personnel which shall have the powers and duties conferred upon it by this charter including the power and duty to inquire into the qualifications of persons proposed for appointment as officers or employes of the consolidated city except as otherwise expressly provided in this charter and such other powers and duties as may from time to time be conferred upon it by ordinance of the board of commissioners

Section 1402 There shall be a director of personnel who shall be the head of the department of personnel and shall have the power to appoint all the employes of this department No person shall be appointed director of personnel unless he shall have been a resident of Allegheny County at least five years immediately preceding his appointment

Section 1403 Except in case of public emergency and except in the case of the county officers named in Article IV the heads of departments the secretary of the boards of commissioners and the members of boards and of commissions serving without compensation no person shall be appointed to any office or employment of the consolidated city unless such person shall have been a resident of Allegheny County for at least two years immediately preceding said employment and until such person has been examined by the department of personnel with respect to his qualifications for any proposed appointment and a

report on his mental ability education experience character reputation physical fitness and other pertinent information has been filed by the said department in complete and detailed form with the appointing authority

No public emergency shall be deemed to exist within the meaning of this section unless and until the same shall be determined to exist by ordinance of the board of commissioners of the consolidated city which ordinance among other things shall state the nature of the emergency and the duration for which said declaration of emergency shall be deemed to be in existence

Section 1404 Whenever the board of commissioners or any officer or board so authorized by this charter shall adopt minimum requirements to be possessed by appointees to certain offices or employment or when such requirements are specified in this charter than no person shall be appointed to such office or employment unless the director of personnel shall certify to the appointing authority that such person proposed for appointment or employment as aforesaid fulfills said minimum requirements and in the opinion of the director of personnel is qualified for such office or employment

Section 1405 It shall be the duty of the Department of Personnel to classify all persons in the service of the consolidated city and within the offices of the various bureaus boards departments and divisions thereof and to recommend to the board of commissioners from time to time plans of salary standardization therein and shall likewise from time to time fix and determine the number of employees in the service of the consolidated city and within the bureaus boards departments and divisions thereof together with the minimum requirements and qualifications for each class of position therein The foregoing recommendations of the department of personnel shall be filed with the board of commissioners from time to time and a copy thereof shall be filed promptly in the office of the public administrator and also in the office of any officer or head of department interested Thereafter the action of the board of commissioners thereon shall be as provided in section three hundred twenty-three (323) of Article III Provided however that no compensation or salary shall at any time be increased or diminished or the number of employees or the minimum requirements and qualifications for any class of position in the service of the consolidated city and in the bureaus boards departments and divisions thereof shall be changed until the recommendation of the said department of personnel with respect thereto is on file with the board of commissioners the public administrator and any officer or head of department affected nor until such action thereon is taken as provided in section three hundred twenty-three (323) of Article III

Section 1406 The department of personnel shall keep a permanent employment record Whenever the department of personnel or any officer or employe thereof makes any report recommendation certification or communication to any officer or board of the consolidated city as provided herein a copy of such report certification recommendation or communication as the case may be shall at the same time be placed on file in the office of the director of personnel and the same shall be available for inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon At the same time a copy of every such report certification recommendation or communication as the case may be shall be filed in the office of the secretary of the board of commissioners of the consolidated city

Section 1407 No officer or employee of the consolidated city excepting the officers enumerated in section fourteen hundred three hereof shall be appointed suspended reinstated promoted or removed without immediate notification to the said department of personnel by the officer making the said appointment reinstatement suspension promotion or removal With the exception of the persons enumerated in section fourteen hundred two of this article no officer or employee of the consolidated city other than elective officers shall be paid any salary or wages unless and until there be in the office of the director of finance a payroll or pay voucher covering the same and certified by the director of personnel

Section 1408 All salaries wages or compensation paid to any officer or employe of the consolidated city excepting the compensation of the members of the board of commissioners shall be so paid only in return for full time service and it shall be the duty of the board of commissioners from time to time to establish by ordinance the hours of employment in all offices divisions and departments in the consolidated city

Section 1409 The department of personnel shall have power to make subject to the approval of the board of commissioners uniform regulations with regard to absence sickness and vacations and to determine their effect on compensation

Section 1410 The department of personnel shall keep records relating to the reliability and efficiency of all officers and employes of the consolidated city and no transfer reinstatement or promotion shall be made until the report of the department of personnel relative to such transfer reinstatement or promotion is on file with the appropriate officer or board

Section 1411 Whenever the board of commissioners shall adopt a system of retirement allowances the same shall be administered by the department of personnel unless otherwise provided by law provided however that no officer or employee of the consolidated city shall receive retirement allowance pension or annuity at any time from more than one governmental source other than for military service

Section 1412 The board of commissioners by resolution shall have the power to provide for part time or irregular employment in any department or division of the consolidated city Such part time or irregular employment shall only be authorized when the same has been established by resolution of the board of commissioners said resolution advising the nature of employment the qualifications required therefor and the salary or compensation to be paid therefor

Section 1413 All fees commissions moneys and perquisites received pursuant to the laws of the state or otherwise by each and every officer and employe of the consolidated city other than the salary fixed herein or pursuant to the terms hereof for such office or employment or which they shall be legally authorized required or entitled to charge or receive by virtue of such office or employment shall belong to the consolidated city and it shall be the duty of each of said officers and employes to exact collect and receive all such fees commissions moneys and perquisites as are levied for the state which shall be to and for the use of the state and none of the said officers and employes shall receive for his own use or for any use or purpose whatever except for the use of the consolidated city or of the state as the case may be any fees for any official services whatsoever

ARTICLE XV

DEPARTMENT OF LAW

Section 1501 There shall be a department of law the head of which shall be the solicitor of the consolidated city who shall have been a resident of the consolidated city for not less than ten years and who shall be an attorney at law having had five years professional experience and admitted and qualified to practice before the Supreme Court of the state The solicitor shall before entering upon the duties of his office file with the commissioners of the consolidated city an agreement to pay to the treasurer of the consolidated city all fees attorneys' fees and commissions received from every source by virtue of his office The term of office of the solicitor shall be for a period of four years beginning the first Monday of January following the adoption of this charter

Section 1502 The solicitor of the consolidated city shall have the power to appoint subject to the provisions of article fourteen all the deputies assistants and other employes of the department provided however that no assistant solicitor shall be appointed who is not an attorney at law admitted and qualified to practice before the Supreme Court of the state and having had three years professional experience and provided that nothing herein contained shall prohibit the employment of Special Counsel with the approval of the Board of Commissioners

Section 1503 It shall be the duty of the solicitor to commence and prosecute all suits brought or to be

brought by the consolidated city wherein or whereby any rights privileges properties claims or demands of the consolidated city are involved as well as to defend all actions or suits brought against the consolidated city and he shall perform all duties now imposed by law upon county solicitors and shall do all and every professional act incident to the office which may be required of him by the board of Commissioners In addition the solicitor shall have the powers and duties at present conferred by law upon solicitors or attorneys for constitutional or other officers of Allegheny County

Section 1504 It shall further be the duty of the solicitor to prepare all contracts to which the consolidated city shall be a party and no such contract shall be executed on behalf of the consolidated city unless and until there has been endorsed thereon a certificate of the department of law that the same is a valid obligation and correct as to form It shall further be the duty of the solicitor to prepare ordinances and resolutions as directed by the board of commissioners or the director of any department and to advise the board of commissioners and all officers and departments of the consolidated city upon request as to any matter of law requested by any of them except in the case of the controller

Section 1505 Whenever the solicitor deems the same desirable or upon the request of any officer or head of department of the consolidated city stating the necessity therefor the solicitor shall assign an assistant solicitor to advise such officer or head of department upon all legal matters as may be submitted to him from time to time provided that the same person may act as legal advisor to one or more officers or heads of departments in the discretion of the solicitor

Section 1506 There shall be a bureau of public utility relations in the department of law It shall be the duty of the department to keep a record of franchises consent ordinances and all agreements in which the consolidated city has or may have an interest to see to the enforcement of the rights of the consolidated city thereunder to procure wherever possible the adoption of uniform agreements with each public utility with which the consolidated city or the municipal divisions shall be parties to represent the consolidated city in making and revising such agreements to receive complaints of citizens relative to the service of any public utility to represent the consolidated city and on request of any municipal division and approval thereof of the solicitor and board of commissioners to represent the said municipal division in proceedings before the public service commission of the state or the courts in any matter relating to service franchises rates or valuations The board of commissioners shall not approve the representation by the department of law of any municipal division in such matters unless the governing body of said municipal division enters into a proper agreement with the board of commissioners of the consolidated city for the payment of its fair share of the expense of such proceedings

ARTICLE XVI

DEPARTMENT OF PERSONAL PROPERTY AND SUPPLIES

Section 1601 There shall be a department of personal property and supplies at the head of which shall be the director of personal property and supplies No person shall be eligible for appointment to the office of director of personal property and supplies who is not at the time of his appointment a person having had at least ten years business experience and at least five years experience in purchasing supplies and materials for large municipalities or large business corporations The director shall appoint the other officers and employes of this department subject to the provisions of Article XIV

Section 1602 The department of personal property and supplies shall have the management direction and administration of the purchase and supply of all articles of personal property for the use of the various departments divisions bureaus and boards of the consolidated city All such departments divisions bureaus and boards shall obtain such articles by requisition on the department of personal property and supplies and not by direct purchase and the manner and form of such requisition may be prescribed from time to time by ordinance of the board of commissioners All appropriations for the purchase and supply of such articles shall be made to and shall be expended by the department of personal property and supplies and all contracts for the purchase of such articles shall be made and entered into by said department Provided however That no contracts shall be made nor payment thereof be authorized for sums in excess of three hundred ($300.00) dollars unless sealed bids have been requested in a notice published at least one time in a newspaper of general circulation printed in the consolidated city and circulating generally therein The department of personal property and supplies shall have charge supervision and control of the inspection of articles goods materials and commodities to be so purchased by it and shall have control and management of such warehouses and storerooms as may be provided from time to time for the receipt and storage thereof

Section 1603 There shall be in the department of personal property and supplies such divisions as the board of commissioners may from time to time prescribe by ordinance which divisions shall include the purchasing division warehouse and storage division motor vehicle division and other apropriate divisions

Section 1604 The director of personal property and supplies shall sell lease or otherwise dispose of such property within the supervision of said department as is not necessary or convenient for use by the consolidated city Such disposal shall be under such regulations as may from time to time be provided by ordinance Provided however That where such property amounts to five hundred ($500.00) dollars or more notice of the sale shall be published at least one time in one newspaper of general circulation

ARTICLE XVII

MUNICIPAL COURT

Section 1701 There shall be and hereby is created a court of record in the consolidated city to be known as "The Municipal Court" to be composed of one judge for every hundred thousand of population or fraction thereof of the consolidated city such population to be determined by the last preceding decennial census The exact number of judges shall be determined and fixed from time to time by the board of commissioners of the consolidated city by ordinance The said judges shall be elected at municipal elections for terms of ten years each from the first Monday of January next succeeding their respective elections The first judges shall be elected at the municipal election in the year one thousand nine hundred and thirty-five Upon the order of the board of judges of the municipal court additional judges from time to time never exceeding five in addition to the number permitted by the census requirements may be elected The order of the board of judges of the municipal court to this end shall only be made whenever in their opinion the business of the municipal court requires such additional appointments and the increase in number is approved and authorized by the board of commissioners of the consolidated city

The judges of said municipal court shall be known as "magistrates" and whenever the term "magistrate" appears hereinafter in this article unless the context clearly indicates otherwise the same shall be taken to mean the judges of the municipal court The president judge of said court shall be selected in the same manner as in the case of courts of common pleas and two vice-presidents shall likewise be chosen except where seniority is established when the judge second and third oldest in commission shall be the vice-president Vacancies in the office of judge shall be filled by the Governor in the same manner as in other courts

Section 1702 No person shall be eligible for appointment to the office of magistrate of said court unless he shall be an attorney admitted to practice before the Supreme Court of the state and having had actual professional experience of at least five years All magistrates shall hold office for a term of ten years from the date of the beginning of the term for which they shall have been elected

The president magistrate shall receive a salary of $7500 per annum the two vice-president magistrates shall receive a salary of $6500 per annum and the other magistrates shall receive a salary of $6000 per annum

A commission shall issue from the governor to each magistrate under the great seal of the commonwealth and the said magistrate before entering upon his duties shall take the oath of office prescribed by the constitution before one or more judges of the court of common pleas of Allegheny County Each magistrate shall devote his whole time and capacity to the duties of his office so long as he shall continue to be a magistrate of the municipal court The magistrates of the municipal court shall have full power to act after the judges take office on the first Monday of January one thousand nine hundred and thirty-six with respect to all matters including the adoption of rules the locating and furnishing of courtrooms appointments of employes and all other matters of arrangement and assignment which shall be completed prior to July first of the same year upon which date the said municipal court shall begin to exercise its powers and duties

Section 1703 The said municipal court shall have jurisdiction as follows

(a) The existing jurisdiction of all magistrates aldermen and justices of the peace in Allegheny County and in the cities of the second and third classes constituting municipal divisions thereof whch shall include all existing powers of every kind and character whatsoever civil criminal and summary as are provided under the laws of this state at the time of the adoption of this charter

(b) In all civil actions where only a money judgment is sought to be recovered and in all actions of replevin in which the sum demanded or the value of the property replevied exclusive of damages for the taking or detention thereof does not exceed five hundred dollars exclusive of interest and costs except in cases where the title to lands or tenements may come in question This shall also include the right of the defendant to present a claim of set-off or counterclaim in a like amount except in cases of replevin

(c) In cases of violations of ordinances of the consolidate city and the municipal divisions thereof including the right to impose the fines and penalties provided for therein

(d) Such other and additional jurisdiction as may from time to time be conferred upon said court by appropriate legislation amending this charter in this respect

Section 1704 The said municipal court shall have the following powers

(a) To adopt prescribe and amend rules for the procedure in said court in all matters within the jurisdiction of the court

(b) To fix the hours during which the court shall be open which shall make adequate provision for evening sessions

(c) To prescribe the duties of the secretary of the court who shall be the clerk of court in charge of the dockets and records of the court and the duties of such clerks bailiffs and other employees of said court the manner of keeping records and papers the collection and disposition of moneys and accounts thereof

(d) To prescribe the forms and practice of the court including forms of writs of summons and other appropriate writs as well as forms of pleading when pleadings may be required and all matters of procedure and to provide for the keeping of the proper dockets and the entries to be made therein providing that all proceedure and hearing or trial of cases shall be so simplified as to make employment of counsel unnecessary

(e) To fix the calendar practice and designations of divisions of the court where special classes of cases such as criminal cases small claims traffic complaints matters of moral conduct or any other classes of cases may be heard

(f) To establish a system of conciliation whereby civil controversies may be submitted by consent of the parties to a magistrate of the court for informal hearing and decision without entry of judgment

(g) To establish a system of arbitration and the procedure thereof

(h) To provide for a board of review consisting of the President and Vice-President magistrates to which appeals may be taken on condition that the decision of the said board of review shall be final

(i) To prescribe the rules and regulations with reference to the keeping and preservation of the records documents and papers pertaining to the business of the court and by resolution to direct the clerk of the court to destroy any records deposited or filed in his office which may be considered no longer necessary provided however that records and papers less than six years old shall not be destroyed

(j) To establish rules authorizing the taking of testimony by deposition of witnesses residing out of the county or state or who by reason of age sickness or other infirmity are unable to attend the trial or hearing or whose presence cannot be reasonably had and to authorize the taking of such testimony in such manner not inconsistent with the laws of this state as the court shall deem proper

k To designate as its official newspaper for the publication of all announcements trial lists notices of hearings lists of special cases advertisements or publications required by law or for the transaction of the business of the court its daily minutes of business transacted all decisions and judgments and other matter of public importance the legal newspaper designated by the Court of Common Pleas of the County the County Court and the United States District Court for the the Western District of Pennsylvania

It is the spirit and intent of this article to require the said municipal court to dispose of the business of the said court with dispatch having due regard for the convenience and interests of all parties in litigation in said court in the matter of place and time of hearing and to secure this result adequate provision shall be made for evening sessions and for such other times of hearing as will not unduly interfere with the normal times and periods of occupation of litigants and witnesses For this purpose provision shall be made and appropriate classification of cases and divisions of the court Among other divisions there shall be small claims courts where litigation in civil matters not exceeding fifty dollars shall be promptly heard and disposed of without unnecessary formality and where rules of procedure and evidence may be reduced to the simplest and most direct methods possible and cases shall be heard and disposed of at the least possible cost Where the right of appeal may be limited and restricted so far as the same may be done within constitutional limitations so that justice may be promptly and expeditiously accomplished and litigation may not be unduly protracted

Section 1705 To insure the accomplishment of the purposes of its creation the following requirements are mandatory upon the magistrates of the municipal court and it shall be the duty of each magistrate of the court to see that the same are fully carried out not only in the letter but in the spirit of the following provisions

(a) The court shall be open at all reasonable times for the transaction of business and provision shall be made so that the remedies which may be afforded by this court shall be available to all persons at all times and for this purpose shall have a central office and be furnished telephone facilities by the consolidated city The said office shall be open at all times of the day and night with which communication may be established by any person and appropriate relief and messenger service may be afforded without delay Upon the arrest of any person by any police officer or peace officer of the consolidated city for any criminal offense whatsoever or for the violation of any ordinance of the consolidated city or of any municipal division thereof the said defendant upon request if a bailable offense shall be admitted to bail forthwith and in the meantime it shall be the duty of the central office of the municipal court upon request of said defendant to communicate by telephone messenger service or in any practicable manner with any reasonable number of persons within the consolidated city as may be requested by the defendant

(b) A system of rotation of judges shall be provided by which provision shall be made that no judge shall hold court continuously in the same place for more than three months except that judges specially assigned to hear traffic complaints and matters of moral conduct may hold court continuously in the same place for not more than two years

(c) A geographical distribution of the places of holding court shall be made throughout the consolidated city

which shall give consideration to the amount of business to transact and the convenience of litigants Cases shall be heard at the location most convenient to the litigants and in the event that this works a hardship on the defendant then at the location most convenient to the defendant These matters shall be covered by appropriate and definite rules which rules shall provide among other things that when in the opinion of the magistrate before whom a proceeding has been instituted that the spirit and purpose of this subparagraph would be most properly met by the removal of a case to another municipal court within the consolidated city then said magistrate in his discretion shall forthwith make an appropriate order removing the record to such other court

(d) The cases shall be heard and disposed of as promptly as the circumstances will permit and wherever possible the magistrate hearing the case shall make a decision at the conclusion of the hearing and in all other cases within one week thereafter

Section 1706 The president magistrate in addition to all other powers as presiding judge of the said municipal court shall exercise general supervision over the business of the court and have such other powers as may be from time to time conferred upon him by resolution of the board of magistrates He shall preside at the central court and he shall have the power and duty of assigning the magistrates to the different sections or districts of the consolidated city where places may be provided for the holding of court and shall have power to reassign the said magistrates It shall be his power and duty to divide the consolidated city into districts comprising not more than fifty thousand inhabitants and shall make adequate provision for the holding of court in each of said districts in accordance with the purpose and intent of this article and to rearrange said districts and to change the boundaries thereof from time to time in his discretion as will facilitate the prompt and expeditious handling of the business of the court He may transfer cases for hearing from one court to another court for the convenience of the parties or for other proper cause

Section 1707 The two vice-president magistrates of the said municipal court shall hold their commissions in the order of their appointment and shall in said order exercise the duties and powers of the president magistrate in case of his absence or inability to serve

Section 1708 The magistrates of this court shall constitute a board of magistrates and shall discharge the functions thereof A majority of all the members of said board shall constitute a quorum The board shall have the power to appoint and remove the secretary of the board who shall be the clerk of the municipal court and all bailiffs and other employes of the court subject to the provisions of Article XIV

Section 1709 The salaries of all employes of said municipal court shall be fixed from time to time by the board of commissioners of the consolidated city who shall provide for a secretary of the board and for at least one clerk and one bailiff for each magistrate thereof and for such other additional employes as may be recommended by the board of magistrates from time to time subject to the approval of the board of commissioners It shall be the duty of the board of commissioners to provide the necessary quarters for the holding of court and shall provide not less than one courtroom for each district together with the necessary furnishings and facilities at such locations as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall pay all the necessary costs of furnishing maintenance and use of the said quarters as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners The said board of commissioners shall also make the necessary provisions for a central office and telephone service of said court the said central office to be within the City of Pittsburgh together with such necessary furnishings and facilities for the same as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall make provision for the employment of such messengers clerks and other persons as may be so recommended from time to time

Section 1710 The municipal court shall have a seal for the use of said court which shall contain the words "Municipal Court City of Metropolitan Pittsburgh Seal" which seal shall be affixed to all writs of summons transcripts and other official papers certificates or documents issued by or under the direction of the said court The seal of the court shall be in the custody of the court or deputy clerks specifically so authorized by the board of magistrates of the said court. The court may provide for the keeping of a seal at each place designated by it for the holding of court

Section 1711 The municipal court is empowered to issue writs of subpoena and writs of subpoena duces tecum under its official seal and under such rules as may be prescribed by the board of magistrates into any part of the consolidated city and into any county of this state to summon and bring before the court any person to give testimony or to produce any paper document or writing in any cause or matter pending before it under such penalties as may be provided by law from time to time in similar cases but no subpoena shall issue to summon a witness from any other county of the state except after an order made by a magistrate of said court upon cause shown

Section 1712 Service of a writ and copies of plaintiff's statement or defendant's answer statement of set-off or counterclaim when such answers or statements are required under the rules of the said court shall be made in the same manner as is now provided by law for the service of writs statements of claims answers or statements of set-off or counterclaim as the case may be and may be made by a bailiff for the said court or by the sheriff or by such other persons as may be authorized thereto by the rules of said court provided however that in proper cases as may be prescribed from time to time by rules of court service of the writ and copies of the plaintiff's statement of claim in such cases may be made by registered mail to the last known place of residence of the defendant

Section 1713 Bailiffs shall be appointed and removed by the board of magistrates of the municipal court No person shall be appointed bailiff who is not of good moral character or who has been convicted of any crime The said board of magistrates shall from time to time recommend to the board of commissioners the number of bailiffs required to properly carry on the business of the said court The bailiffs in addition to the salary hitherto required to be fixed and paid by the board of commissioners shall receive such expenses rendered in connection with the specific services as may be recommended from time to time by the board of magistrates of said court and approved by the board of commissioners The bailiff shall have and exercise all the powers now conferred by law upon constables and in addition such duties as may be imposed upon them from time to time by the board of magistrates Traveling expenses properly incurred by the bailiffs in connection with their duties shall be paid to them by the clerk of the said court upon receipt thereof from the litigant properly required to pay the same

Section 1714 The expenses fees and costs to be charged by and paid to the court in connection with the issuance and service of writs the making of entries in the court records and other services properly charged for by law shall be fixed by the board of magistrates of said court provided however that the same shall be substantially less than the charge for the corresponding expense fee writ entry or service in the courts of common pleas and quarter sessions of Allegheny County and the same with all witness fees which shall also be fixed by the said board of magistrates shall follow the judgment in civil cases but the court may in any case make such order as to the payment of costs fees and expenses either by the plaintiff or by the defendant or by both as may in the judgment of the court be fair and equitable No costs shall be required to be deposited or secured in advance except in the case of nonresident plaintiffs in such manner as may be provided from time to time by the rules of said court All fees and costs in civil matters where the amount in controversy does not exceed fifty dollars shall be fixed

at a minimum and shall not exceed one dollar exclusive of witness fees

Section 1715 The magistrates of said court shall have the power to administer oaths or affirmations or to commit persons for contempt of court Any clerk of said court shall be empowered to administer oaths or affirmations and shall under the rules of court have the right and duty to do all things helpful to the conduct of the business of the court other than the actual hearing of cases

Section 1716 A record shall be kept of all moneys and fees paid into the said court and the same shall be promptly paid over to the Treasurer of the consolidated city at such times as may be required and prescribed by the director of finance of the consolidated city At the time of paying over money to the consolidated city the clerk of courts shall also transmit a proper report thereon to the treasurer of the consolidated city and file a duplicate thereof with the controller The board of commissioners is hereby authorized and empowered to fix the amount of bond to be given by the bailiffs officers and employes of the court All salaries expenses and costs incurred in the conduct of business of said municipal court or provided for herein shall be paid out of the treasury of the consolidated city as in this charter provided for other expenses of the consolidated city provided however that the salaries of the magistrates of the said court shall be paid by the state

Section 1717 The municipal court may issue the following writs of execution writs of fieri facias capias ad satisfaciendum or attachment execution upon its money judgments and writs de retorno habendo in replevin as provided by laws relating to the enforcement of judgments of the court of common pleas These writs shall be executed by the bailiffs of the said municipal court or by the sheriff and the practice in the execution of writs of fieri facias capias ad satisfaciendum and de retorno habendo shall be the same as is provided by law in similar cases in the court of common pleas except that such writs shall be returnable as the municipal court may by rule prescribe In writs of attachment execution the practice shall be the same as in cases of corresponding civil suits in the municipal court subject to such special rules as the court may from time to time prescribe No writ of fieri facias or attachment execution issuing out of the municipal court shall in any manner operate as a lien on or be used for the sale of real estate provided however that all writs as aforesaid shall be stayed when an appeal has been taken to the county court or perfected as hereinafter provided

Section 1718 At any time after twenty days from the date of the final judgment of the municipal court and in the event that no appeal has been taken to the county court the party to whom such judgment is awarded shall be entitled to file in the office of the prothonotary of the court of common pleas a transcript of the docket of the municipal court showing the judgment so entered which judgment shall be entered on the judgment index of the said court and from the date of such entry shall be a lien upon the real estate of the party against whom judgment has been rendered as aforesaid and thereupon the judgment creditor shall be entitled to preserve and continue the lien of or enforce said judgment by execution or other process in the same manner and to the same extent as though it had originally been entered in the office of the prothonotary

Section 1719 Judgments may be confessed against any person firm or corporation so authorizing the same in cases permitted under the laws of this State for the confession of judgments in the court of common pleas thereof and the municipal court shall from time to time prescribe such rules not inconsistent with this charter or with the laws of the state governing proceedings for the confession of judgment as aforesaid

Section 1720 Appeals may be taken from the municipal court to the county court of Allegheny County within twenty days after final judgment or order in all cases in which said county court may now or hereafter be given jurisdiction In all other cases appeals may be taken to the courts of quarter sessions and oyer and terminer of the county and in all cases in which the magistrates aldermen and justices of the peace shall act as committing magistrates the practice shall be as heretofore or hereafter provided by the laws of the state in connection with proceedings involving actions of persons sitting as committing magistrates

Section 1721 The county court of Allegheny County shall have the right to adopt and amend rules relating to appeals to it from the said municipal court which shall include the right to fix and prescribe all of the conditions relating to the taking and the effecting of said appeals including the manner of the giving of or dispensing with bond either for debt interests and costs or for costs only and the said county court shall have the right subject only to constitutional limitations to impose such restrictions and limitations upon the right of appeal in cases involving claims not exceeding fifty dollars as it may by its rules fix and prescribe to the end that the matters in controversy may be promptly and finally disposed of without undue or protracted litigation

Section 1722 The courts of quarter sessions and oyer and terminer of the county shall have the right to adopt and amend rules relating to the appeals to such courts from the municipal court which shall include the acts of the said magistrates of the said municipal court sitting as committing magistrates and the said court of quarter sessions and oyer and terminer may fix and prescribe such conditions relating thereto and to the taking and perfecting of the said appeals including the matter of giving or dispensing of bond payment of costs or the securing thereof as it may deem advisable

Section 1723 Nothing herein contained shall be taken to reduce diminish or alter the existing jurisdiction powers and duties of the mayors or chief executive officers of cities or of the burgesses of the boroughs within the limits of the consolidated city

Section 1724 From and after the adoption of this charter as herein provided no justice of the peace alderman or constable shall be elected to office but the justices of the peace aldermen and constables in office at the date of the adoption of this charter shall continue in office until the expiration of their respective terms of office and the justices of the peace aldermen and constables whose terms of office expire prior to the effective date of this charter shall continue in office until the municipal court begins to exercise its powers and duties as provided in section sixteen hundred two hereof

Section 1725 In case of any change in the laws of the state relating to courts of record generally the same shall if appropriate be taken and construed to be applicable to the municipal court as constituted in this article provided however that no such change in the laws shall be taken to affect the said municipal court insofar as the same may be construed to reduce the jurisdiction or powers thereof Any law reducing the jurisdiction or powers of the municipal court shall be effective only if passed as an amendment to this charter pursuant to the provisions of section four of Article XV of the constitution and approved by the electors of the consolidated city in the manner and form provided in said constitution for amendments to this charter which affect the government of the consolidated city as a whole It being the purpose and intent of this article that the jurisdiction powers and functioning of the municipal court as herein constituted shall be deemed and considered to be an essential part of the government of the consolidated city and that no change diminishing the jurisdiction or powers of the same may be effected without the approval thereof by the electors of the consolidated city

Section 1726 Any person who shall attempt to influence the rulings decisions or judgments of any magistrate by any means except the strength of evidence produced at a hearing or the arguments of himself or his counsel during any hearing in open court shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than One Thousand Dollars or imprisonment for not more than one year or both in the discretion of the Court

ARTICLE XVIII

MUNICIPAL DIVISIONS

Section 1801 Whenever two or more municipal divisions shall be adjacent contiguous and of compact territory they may be consolidated into one municipal division in the following manner the governing body of each municipal division concerned may of its own initiative or within sixty days after petition in writing signed by at least twenty percent of the qualified electors of any such municipal division shall enter into a joint agreement under the corporate seal of each municipal division respectively for the consolidation thereof into one municipal division The joint agreement shall set forth the name of the new municipal division the class of municipality which it shall henceforth be and the territorial boundaries thereof It may also set forth such terms as may have been agreed upon for the disposition of the assets of each of the municipal divisions and for the liquidation of the indebtedness of the same either jointly or separately or in certain defined proportions and the adjusting and paying of the same by an equitable method of taxation

The question of the consolidation of such municipal divisions shall be submitted to the vote of the qualified electors of each of said municipal divisions at a special election to be held on the day designated in the joint agreement provided however that no special election shall be held less than ninety days after the execution of said agreement provided however that if a general or municipal election shall be held within the period of six months after the execution of such agreement then the election upon the question of consolidation shall be held on the day fixed for the holding of such general or municipal election The election shall be held by the regular election officers and in accordance with the provisions of the laws governing general or special elections as the case may be

The election shall be by ballot upon which shall be marked "proposed consolidation of the municipal divisions of .... and .... to form a single municipal division under the name of ....." and below shall be printed the words "for consolidation" and "against consolidation" and the elector shall designate with an X his desire to vote for or against such consolidation If the majority of votes cast at such election in each of said municipal divisions each voting separately is in favor of the consolidation the result of such election shall be certified by the respective board or return judges to the board of commissioners of the consolidated city and the said board of commissioners shall forthwith cause certification of the result to be made to the governing bodies of the municipal divisions concerned and to the Secretary of the Commonwealth

The said joint agreement for consolidation into one municipal division or a certified copy thereof with all its endorsements shall forthwith be filed in the office of the Secretary of the Commonwealth Upon the filing thereof and receipts of the said certification by the Secretary of the Commonwealth the Governor shall cause letters patent to be issued under the great seal of the Commonwealth consolidating the municipal divisions into a single municipal division under the name set forth in the joint agreement A copy of such agreement duly certified by the Secretary of the Commonwealth under the seal of his office shall be the evidence of the existence of the new municipal division with all the rights conferred by the laws of the state and by this charter and a copy of those shall be recorded into the recorder's office of the consolidated city The proper officers of the new municipality upon their election or appointment as the case shall be shall forthwith cause to be recorded in the office of the recorder of deeds the said letters patent together with the original agreement for consolidation or a certified copy thereof

All costs and expenses incurred in such consolidation or proposed consolidation except those incurred in any general or municipal election in which the question of consolidation is submitted shall be paid by the consolidated municipal division if such consolidation takes place and if not such costs and expenses shall be paid in equitable shares by each of the municipal divisions proposing such consolidation so may be determined by the board of commissioners of the consolidated city

Section 1802 Upon the issuance of letters patent the several municipal divisions shall be a municipal division under the name provided in the agreement The ordinances in force in each of such municipal divisions at the time of such consolidation shall continue in force throughout the territory through which they were originally enacted until altered or repealed by the governing body of the consolidated municipal division All rights privileges and franchises of each of the municipal divisions and all the property real personal and mixed and all debts due on whatever account and other things in action belonging to each of such municipal divisions shall be vested in the new municipal division The title to real estate vested in any of such municipal divisions shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of any of such municipal divisions shall attach to the new municipal division and be in force against it All rights privileges and immunities conferred upon any or all of said municipal divisions prior to consolidation by virtue of this charter or by the laws of the state shall continue in force for the benefit of the new municipal division and be vested therein

In the event that a portion of a municipal division desires to be consolidated with one or more municipal divisions the same may be affected upon the same terms and conditions as are herein set forth for the consolidation of two or more municipal divisions provided however that the provisions relating to the petition of qualified electors referred to in section one thousand eight hundred one shall be deemed to be complied with in the case of a portion of a municipal division if said petition is in writing signed by at least twenty percent of the qualified electors of said portion of a municipal division It is the intent and meaning hereof that no portion of a municipal division shall become consolidated with another municipal division unless the electors of the entire muncipal division of which said portion is a part shall vote in the affirmative at the election referred to in this article This article shall not be construed to effect or apply to any consolidation proceeding duly commenced prior to the effective date of this charter

Section 1803 The governing body of any municipal division may propose to the board of commissioners of the consolidated city to surrender one or more of the powers of said municipal division to the consolidated city The board of commissioners of the consolidated city may accept or reject such a proposal. In accepting any such proposal the board of commissioners must attach to its acceptance such conditions as may be prescribed in this charter and may attach other conditions in its discretion If the proposal be accepted the board of commissioners shall submit to the electors of the municipal division affected at the next general or municipal election the question of their approval of the surrender of such municipal power upon the conditions if any prescribed by the board of commissioners If a majority of the qualified electors of such municipal division voting thereon shall vote on such question in the affirmative the said power or powers shall be deemed to be surrendered to the consolidated city upon the conditions embodied in such question

In the event that the governing body of any municipal division as aforesaid may propose to the board of commissioners of the consolidated city to surrender the power and duties of the said municipal division with respect to the collection of taxes within the limits of the same and for the collection of said taxes by the treasurer of the consolidated city it shall be the duty of the board of commissioners to accept such proposal provided however that in accepting such proposal the board of commissioners of the consolidated city may attach to its acceptance such provisions for said service including a reasonable charge for the same not to exceed two percent of the gross amount of moneys collected as the board of commissioners may in its discretion deem advisable provided further that said provisions may include compensation for said collection at the cost of same plus not exceeding ten percent of said cost the said cost of collection to be determined by the

director of finance yearly The board of commissioners shall submit to the electors of the municipal division concerned at the next municipal election the question of the approval of the surrender of such power upon the conditions which the board of commissioners has attached thereto If a majority of the qualified electors of the municipal division concerned voting thereon shall vote in favor of such question of a centralized tax collection the said power shall be deemed surrendered to the consolidated city upon the conditions embodied in such question provided however that unless the tax collector of said municipal division in office at the time of the adoption by the electors of such method of centralized tax collection shall assent thereto the surrender of said power to the consolidated city shall not be effective until the expiration of the term for which said tax collector has been elected

Section 1804 There are hereby reserved to each of the municipal divisions of the consolidated city all the properties powers rights capacities and duties of cities boroughs and townships of their respective forms and classes which have not by this charter been granted to the consolidated city together with the substantial powers expressly reserved to the cities boroughs and townships situated in Allegheny County as provided in section four of Article XV of the constitution of the state

ARTICLE XIX

ADOPTION AND AMENDMENT

Section 1901 This charter shall become effective upon adoption by the electors of Allegheny County in the manner and form provided by Article XV section four of the constitution of the state that is to say if a majority of the electors voting thereon in the county of Allegheny as a whole and at least a majority of the electors voting thereon in each of a majority of the then existing municipal divisions comprising the cities boroughs and townships of the County of Allegheny vote in the affirmative on the submission of this charter as hereinafter provided

Section 1902 The question hereinafter set forth shall be submitted to the electors of Allegheny County at a special election on the sixth day of August one thousand nine hundred thirty-five and it shall be the duty of the county commissioners of Allegheny County and all other officers having to do with elections in said county to hold and conduct such election and to count the ballots and declare the results thereof in accordance with the laws of the state

Section 1903 At the election herein provided there shall be printed on the ballot together with such other matter as may be required by law the following question "Are you in favor of the charter for the consolidated city of Metropolitan Pittsburgh submitted to the electors of the County of Allegheny pursuant to the act of the General Assembly of the Commonwealth of Pennsylvania known as the Metropolitan Charter for the County of Allegheny Yes No"

Section 1904 If rejected the said charter may be resubmitted by the county commissioners to the electors from time to time but not oftener than once in two years until adopted Until a charter shall have been adopted as aforesaid the general assembly shall have the power to amend or modify said charter in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid

Section 1905 After a charter has been adopted as aforesaid it may be amended as follows

In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the general assembly provided however that any amendment which changes or modifies the form of government of the consolidated city or the number of or the manner of election of the commissioners thereof shall not be effective until such amendment shall have been adopted by a majority of the electors of the consolidated city voting thereon at a general or special election thereof to be provided for in said amendment

Provided further that in the event that any amendment changes or modifies the manner of election of the commissioners of the consolidated city by changing the manner of election from districts to election from the consolidated city at large then such amendment shall not be effective until the same shall have been ratified by a majority of the electors of the consolidated city as a whole and at least a majority of the electors voting thereon in each of the six districts as specified in Article V section six of this charter

In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city such amendment enacted by the general assembly shall not be effective until it shall have been ratified at a general or special election to be provided for in said amendment by a majority of the electors voting thereon in all of the municipal divisions affected thereby and by a majority of the electors voting thereon in each of a majority of the said municipal divisions so affected

ARTICLE XX

MISCELLANEOUS PROVISIONS AND SCHEDULE

Section 2001 The districts of which the several members of the board of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as specified in Article V section five hundred six of this charter

Section 2002 The articles of this charter the sections thereof and the parts thereof are severable and in the event of any provision hereof being declared unconstitutional it is hereby declared as the legislative intent that such unconstitutional provision shall not affect the validity of the other provisions of this charter

Section 2003 In order to carry the foregoing charter into complete operation the following schedule is adopted

(a) The first board of commissioners as provided for in Article III and the sections thereof shall take office on the first day of January following the adoption of this charter

(b) All constitutional and other elected officers of the County of Allegheny including justices of the peace aldermen and constables in office on the effective date of this charter shall continue in office until the end of their respective terms

(c) Magistrates including morals court and traffic court magistrates in the city of the second class of the County of Allegheny in office on the thirty-first day of December of any year in which this charter shall have been adopted shall continue in office until the date the Municipal Court begins to exercise its powers and duties as provided in Article XVII Section 1702

(d) The offices of justices of the peace aldermen and constables as heretofore provided in the County of Allegheny are abolished to take effect upon the expiration of their terms of office except as otherwise provided in Article XVII Section 1725 of this charter

Section 2004 From and after the adoption of this charter no election shall be held in the county of Allegheny for the offices of prothonotary of the court of common pleas clerk of the court of quarter sessions clerk of court of oyer and terminer the two elected jury commissioners of said county register of wills clerk of orphans' court recorder of deeds or treasurer and the election of the first board of commissioners shall be in the manner provided in article three hereof

Section 2005 The sinking fund commission of the consolidated city shall consist of the board of commissioners the controller the public administrator and the director of finance The said sinking fund commission shall have all the rights and exercise all the powers and duties heretofore vested in the sinking fund commission of the county of Allegheny

Section 2006 From and after the effective date of this charter the salary board of the county of Allegheny is hereby abolished

Section 2007 From and after the effective date of this charter the offices of inspector of weights and measures of the cities within the county of Allegheny are hereby abolished and the inspector of weights and measures of the consolidated city shall assume and exercise the powers and duties of said inspectors

Section 2008 All acts and parts of acts whether general special or local relating to the subject matter of

this charter are hereby repealed insofar as the same are inconsistent therewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2911 (Senate Bill No. 1030), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by removing the exemption in the case of certain private banks.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered. That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2953 (Senate Bill No. 1354), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffenach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2940 (Senate Bill No. 1426), as follows:

An Act prohibiting others than members of the Bar to practice law and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who shall practice law Which among other things embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before Judges Masters Referees Boards Commissions and Courts within this Commonwealth without being a member of the Bar of a Court of Record shall be guilty of a misdemeanor and upon conviction thereof shall e sentenced to pay a fine not exceeding five hundred dollars or shall suffer imprisonment not exceeding six months or both or either at the discretion of the court

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. FLYNN. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of a hearing.

On the question,

Will the House agree to the motion?

Mr. FLYNN. Mr. Speaker, I move that Senate Bill 1426 be recommitted to the Committee on Insurance for the purpose of a hearing.

Mr. WITKIN. Mr. Speaker, I would like to interrogate the gentleman from Elk, Mr. Flynn.

The SPEAKER. Will the gentleman from Elk permit himself to be interrogated?

Mr. FLYNN, I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, would it be satisfactory to the gentleman from Elk instead of recommitting this bill to place it on the postponed calendar in an effort that it may be restored to the condition in which it was when it came from the Senate and then acted upon by this House, as I understand it was amended in the House, and those amendments are not satisfactory to a number of the men in the House.

Mr. FLYNN. Mr. Speaker, I would be entirely satisfied if the bill could be restored to its original form, if I could be assured this bill would be restored to its original form as it passed the Senate.

Mr. WITKIN. Mr. Speaker, in answer to that question, I say to the gentleman from Elk, Mr. Flynn, that if it is not restored to its original former condition in which it came from the Senate, I will join with him in sending it back to committee.

Mr. FLYNN. Mr. Speaker, that is entirely satisfactory to me and I withdraw my motion.

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2921 (Senate Bill No. 1383), entitled

An Act to clarify certain surface lands as auxiliary forest reserves to prescribe the terms and conditions of their continuance in such classification or removal therefrom defining the duties of the Secretary of Forests and Waters of the county commissioners and of the county treasurer of the respective counties in connection therewith providing for the appointment of viewers and appraisers providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers and from the action of the Secretary of Forests and Waters providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof providing for the ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom permitting the removal of certain trees from lands so classified by the owners thereof providing that lands so classified may be sold only subject thereto prescribing the method of assessment of such lands during their continuance in such classification making it a misdemeanor to cut fell and remove trees from lands so classified and defining the punishment therefor validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forests reserve lands under prior acts of Assembly and repealing all acts or parts of acts inconsistent herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2918 (Senate Bill No. 1317), entitled

An Act requiring authorities in charge of State State-aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,

Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3012 (Senate Bill No. 896), entitled

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" by modifying the powers and duties of the Department of Banking and modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision and by providing for the creation of the Banking Board the appointment of its members the payment of its expenses and defining its powers and duties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrum,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2981 (Senate Bill No. 1399), entitled

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,

Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffenmach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 22

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Senate Bill numbered and entitled as follows:

SENATE BILL No. 22.

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 22

Mr. EROE. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on Senate Bill No. 22, Printer's No. 744.

The report was read by the Clerk as follows:

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 22

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 22, entitled:

"An Act to provide for the permanent registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," respectfully submit the following bill as our report:

GEORGE L. REED,
JAMES E. NORTON,
HERMAN E. BAUMER,
Committee on the part of the Senate.

JOHN J. O'KEEFE,
W. J. EROE, JR.,
Committee on the part of the House of Representatives.

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title Citation This act shall be known and may be cited as "The Permanent Registration Act in Cities of the Third Class"

Section 2 Definitions (a) The word "commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commissioner

(c) "Oath" shall include affirmation and "swear" shall include affirm

(d) "Election" shall mean any general special or municipal election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "November c[illegible]ion" shall mean either the general or the municipal election or both according to the context

(h) "Party" shall mean any political party or body of electors one of whose candidates either at the last general or at the last municipal election shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class although such percentage of said vote may not have been attained in any particular election district thereof

(i) "Body of electors" shall mean any political body not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere as required by law to obtain the exclusive right to use a party name or appellation for any election or primary

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(k) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(m) "City" shall mean only a city of the third class

(n) All references to mayors, police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district within such city

(o) "Public Office" shall mean and include any national state judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

Section 3 Registration Commissions Membership Actions by Vote of Majority of Members Record of Proceedings (a) There shall be a registration commission consisting of the county commissioners in each county in which there is located a city of the third class which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) All actions of the commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(c) Each commission shall keep a record in permanent form of all its proceedings

Section 4 Powers of Commissions Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners (a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) To govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The commission shall have power (1) to investigate any irregularities in registration (2) to summon and examine witnesses on a matter pending before the commission (3) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Appointment of Chief Clerk as Registrars Incompatible Offices (a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The commission may appoint employes of the county to act as such for the commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk who shall have authority to administer oaths to sign vouchers and to register qualified electors who apply at the office of the commission for registration

(f) Any inspector of registration when directed by the commission shall

(1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any inn lodging house or hotel within such city and to interrogate any lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration

Section 6 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations (a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the registrars inspectors of registration counsel and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purpose of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly fur-

nished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the passage of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 7 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 8 Commissioners May Act as Registrars and Inspectors A commissioner may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 9 Records and Documents to be Open to Public Inspection The records of each commission and all district registers street lists lists of voters voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 10 Watchers at Places of Registration Privileges (a) Any party or body of electors which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three electors to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commissions and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time

Section 11 Watchers or Attorneys at Sessions of Commission Any party or body of electors or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or body of electors

Section 12 Candidates may be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 13 Days and Hours of Registration Places of Registration Use of Polling Places Payments of Rentals Use of School Buildings Public Notice (a) From and after the first day of July one thousand nine hundred and thirty-five each commission or any commissioner or the chief clerk of the commission or a registrar shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the sixty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration Provided however That in the year one thousand nine hundred and thirty-five applications for personal registration may be received up to and including the third day of September anything in this section to the contrary notwithstanding And providing further That in the year one thousand nine hundred and thirty-five each commission shall arrange to have two registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth of the two registrars who shall sit in each election district prior to September fourth in the year one thousand nine hundred and thirty-five one shall be a member of the party enrolling the largest number of voters within the election district for the preceding November election and the other shall be a member of the party enrolling the second largest number of voters within the election district for such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth one thousand nine hundred and thirty-five in which case the commission may appoint any qualified person

(b) The county commissioners shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(c) The board of public education or school directors of each city or school district thereof shall furnish a room or rooms in any public school building under its jurisdiction or control and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration Provided That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or rooms is primarily designed

(e) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open and by such newspaper publication as it deems desirable

Section 14 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania } ss:
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this day of 19

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 15 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission or a commissioner or a registrar at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with the other information herein required shall be recorded in his presence by the registrar or commissioner in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father or husband through whom naturalized (13) the designation of the political party of the elector for the purpose of voting at primaries (14) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar and dated by him If the elector is unable to sign his name there shall also be recorded on the registration card (15) his height in feet and inches (16) the color of his hair (17) the color of his eyes and (18) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides (20) the date of each election and primary at which the elector votes and (21) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration affidavits will be known as the General Registers when filed by election districts as the District Registers

Section 16 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will obtain such qualifications before the next ensuing general or municipal election shall be entitled to be registered as herein provided From and after the first day of August one thousand nine hundred and thirty five no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 17 Applicants To Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Commission and shall contain spaces for the following information (1) serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) sex of the applicant (12) his color (13) the date of his birth and (14) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) If such challenged applicant shall establish his right to be registered as required by this act to the satisfaction of the registrar or commissioner he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and sub-

scribe an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 18 Naturalized Applicants Applicants Whose Fathers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which naturalization was affected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers or a certified copy thereof or by making affidavit as to the court in which and times when his father was naturalized and that at a time when he the applicant was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-one may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and court where such naturalization took place or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 19 Incomplete Or Rejected Applications to be Recorded The registrar or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 20 Appeal Or Rejected Application Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar or commissioner to register him in the usual manner and shall amend accordingly the records affected but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 21 General Register—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These affidavits shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of the court of common pleas of the county

Section 22 District Registers—The original registration affidavits shall be filed by election districts and within each election district in exact alphabetical order and indexed The affidavits so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to the public inspection at all times subject to reasonable safeguards rules and regulations

Section 23 Removal Notices—The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register

Section 24 Transfer Of Registration—(a) Upon receipt of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration or again register by personal application as provided by this act

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar or a commissioner who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 25 Change Of Enrollment Of Political Party Cancellation Of Party Enrollment Persons Suffering Disability after Registration to Have Fact Recorded Cancellation (a) At any time prior to the tenth day next preceding a primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar or commissioner and state in writing over his signature the political party in which he desires to be enrolled and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signatures of the elector shall be verified by comparison with his sig-

nature on the general and district registers before the change of enrollment is made

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last election at which he voted he voted for a majority of the candidates of the party with which he was then enrolled all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise upon the presentation under oath by the person making the challenge of a prima facie case which satisfies the commission the party enrollment of such elector shall be forthwith cancelled

Section 26 Reports Of Deaths From Registrars Of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Notice (a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner at the office of the commissioner in such city and prove his identity and the commission thereupon shall correct its records accordingly

Section 27 Mail Check-up Of Registers (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon At least once in each four years the commission shall send such notices by mail to each registered elector in the city

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section twenty-eight of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 28 Canvass Of Registered Voters (a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of the city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts but of the two special inspectors canvassing any election district one shall be a member of the party polling the highest vote within such district at the last preceding November election and the other shall be a member of the party polling the second highest vote within the district at such election Each such person shall be suggested in writing by the county chairman of his party unless such county chairman fails to make such suggestion within thirty days after written notice is given by the commission in which case the commission may appoint any qualified person

(e) The commission shall instruct each special inspector in his duties

Section 29 Corrected Street Lists Not later than the fifteenth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 30 Petitions To Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no person is residing at the address given whereupon the commission may forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 31 Delivery of District Registers to Election Officers (a) Not later than noon of the second day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers with other election materials for use on election day in the manner in which the county commissioners now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months

of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed that the name address voting record and other data on each card may easily be made visible and that entries may be made on each card but that the cards may not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district

Section 32 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered Are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates List of Voters Elections and Primaries Counting Et Cetera of Names Checked as having Voted Sealing of Registers and Lists of Voters Return of Lists of Voters and Registers (a) Any person whose name is in the district register of any election district and who upon applying to vote shall have signed his name to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each such elector shall establish his identity by affidavit and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections and if challenged as to identity or residence he shall make affidavit of his identity or continued residence in the election district or that he has not violated any such election laws

(f) The county commissioners shall cause to be printed for each election district a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county commissioners After a voters certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the electors signature is not readily legible shall print such electors name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voters certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election The voters certificates so bound shall constitute the ballot check list required by law to be kept by the clerks of election All voters certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters

(g) As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the list of voters and announced and the cause of any difference ascertained if possible before the ballot box or voting machine is opened The list of voters and the district register shall be immediately sealed in envelopes and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary

Section 33 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith

(b) The commission shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voters certificates and registers hereby prescribed

Section 34 Cancellation of Registration Upon Failure to Vote Within Two Years Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months

after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the commission shall send to such elector by mail at his address appearing upon his registration affidavit a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice mailed as aforesaid at least one time in at least one newspaper of general circulation published in the city where such elector resides The commission shall cancel the registration of such elector unless within ten days after the publication of the information contained in the notice as aforesaid he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission or a commissioner or a registrar in the manner provided by this act

Section 35 Cancellation Removal And Preservation Of Registration Affidavits Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such affidavit shall be kept for five years after which the commission may destroy it

Section 36 Appeals To Court Time Of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any city whose rights are impaired by any general order made by the commission not including registration of particular names by the commission on personal application made to it as aforesaid or refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court may fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner

Section 37 Production Of Documents Et Cetera At Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 38 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with a commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 39 Crimes and Penalties (a) Any wilful false statement made under oath by any person regarding and material matter or thing relating to any subject being investigated heard or acted upon by any registrar commissioner judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(b) Any registrar or commissioner who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(c) Any person who applies for registration knowing or having reason to know that he is not entitled to be registered or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be regis-

tered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than three (3) years

(d) Any registrar commissioner or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(f) Any commissioner registrar inspector or registration or other officer assistant or employe upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to under an imprisonment of not more than one year

(g) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subponea certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not more than two (2) years

(h) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not more than two (2) years

(i) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

Section 40 Partial Invalidity Legislative Intent It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 41 Repeals The act approved the fifth day of March one thousand nine hundred and six (Pamphlet Laws sixty-three) entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions" and the various supplements and amendments thereto are hereby repealed

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class

Section 42 Effective Date This act shall become effective July first one thousand nine hundred and thirty-five

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Murrin,	Stank,
Boyd, R.,	Hagerty,	Nagel,	Stevens,
Boyer,	Haluska,	Nothnagle,	Stewart,
Bradley,	Hamilton, F. P.,	O'Keefe,	Stockham,
Brancato,	Hamilton, R. S.,	Ominsky,	Stone,
Brennan,	Harkins,	O'Neill,	Stott,
Brown, H. S.,	Harmuth,	Panton,	Sumney,
Brown, J. E.,	Hart,	Parks,	Surface,
Brownfield,	Hartman,	Patterson, C.,	Tahl,
Brumbaugh,	Hefferon,	Patterson, J. W.,	Terry,
Burke,	Hermansen,	Pearson,	Tronzo,
Cannon,	Hetrick,	Perry,	Trout,
Caputo,	Hindman,	Peters,	Tumelty,
Carr,	Hirsch,	Pfaff,	Turner,
Carson,	Hoffner,	Phillips,	VanAllsburg,
Castor,	Holland,	Piole,	VanSickle,
Chervenak,	Holstrom,	Powers,	Walker,
Coakley,	Horst,	Reising,	Wall,
Cochran,	Jackson,	Reynolds,	Wasserman,
Cohen,	Jones,	Rhys,	Weidemann,
Coleman,	Kane,	Rinn,	Weiss,
Condon,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coblahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klinger,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shepard,	Sarig,
Eroe,	Mason,		

NAYS—1

Hoopes.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the Clerk inform the Senate accordingly.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE RELIEF

The SPEAKER laid before the House the report of the Special Committee to Investigate Relief in Pennsylvania which was read by the Clerk.

The SPEAKER. The report will be noted in the Journal and printed in the Appendix to the Legislative Journal.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Insurance, reported as committed House Bill No. 1891, entitled

An Act to provide revenue by taxation by an assessment of two per centum tax on premiums of foreign insurance companies doing what is commonly known as automobile, theft, property and accident insurance, and to further provide for the distribution of the said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships within the Commonwealth.

Mr. SHUGARTS, from the Committee on State Government, reported as committed House Bill No. 3037 (Senate Bill No. 1620), entitled

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

Mr. GERARD, from the Committees on Boroughs and Townships, reported as committed House Bill No. 2866 (Senate Bill No. 1006), entitled

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning township of the second class and amending revising consolidating and changing the law relating thereto" providing for the collection of county township and school taxes by the county commissioners in certain cases conferring power on school districts and townships with respect to the collection of their taxes and providing that the bonds of township tax collectors shall be fidelity bonds.

Mr. FORREST, from the Committee on Judiciary General, reported as committed House Bill No. 3044 (Senate Bill No. 1527), entitled

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith.

Mr. CLIFF S. PATTERSON, from the Committee on Highways, reported as committed, House Bill No. 3038 (Senate Bill No. 1622), entitled

An Act to amend the title of and the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred one) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges shall become free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by extending the provisions thereof to tunnels for highway purposes.

Mr. FLANAGAN, from the Committee on Appropriations, reported as committed House Bill No. 3029 (Senate Bill No. 1165), entitled:

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers.

Mr. HOMER S. BROWN, from the Committee on Appropriations, reported as committed House Bill No. 2949 (Senate Bill No. 1352), entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools

Mr. COOLAHAN, from the Committee on Boroughs and Townships, reported as committed House Bill No. 2882 (Senate Bill No. 1007), entitled:

An Act to amend sections nine hundred one and one thousand eighty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for the collection of county borough and school taxes by the county commissioners in certain cases conferring powers on boroughs and school districts with respect to the collection of their taxes and providing that the bonds of borough tax collectors shall be fidelity bonds

Mr. HARKINS, from the Committee on Education, reported as committed House Bill No. 2772 (Senate Bill No. 769), entitled:

An Act to amend sections four five seven and twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith" as amended changing the requirements of medical educational institutions and applicants for examinations and licensure and defining new ground for the refusal or revocation of licenses.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3052 (Senate Bill No. 1586), entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 7), entitled "An act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the payment of the amounts transferred.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3051 (Senate Bill No. 1585), entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 6), entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3053 (Senate Bill No. 1587), entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 8), entitled "An act transferring

money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3054 (Senate Bill No. 1589), entitled:

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (App. Acts, Act No. 1-A) entitled "An act transferring money from the Motor License Fund to the General Fund, and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3055 (Senate Bill No. 1591), entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 9-A) entitled "An act transferring money from the Liquor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3056 (Senate Bill No. 1592), entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 12-A) entitled "An act transferring money from the State Stores Fund to the General Fund, and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3057 (Senate Bill No. 1593), entitled:

An Act to amend section two of the act approved the twenty-fourth day of April, one thousand nine hundred and thirty-five (App. Acts, Act No. 11-A) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3058 (Senate Bill No. 1594), entitled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (App. Acts, Act No. 10-A), entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the return of the transferred money.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 3059 (Senate Bill No. 1595), entitled:

An Act to amend section two of the act approved the nineteenth day of September, one thousand nine hundred and thirty-four (P. L. 5) entitled "An act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money," by extending the time for the repayment of the amounts transferred.

Mr. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 2884 (Senate Bill No. 1239), entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of the claim of the plumbing sub-contractor in connection with certain work at the California State Teachers College.

Mr. SARRAF, from the Committee on Appropriations, reported as committed, House Bill No. 3045 (Senate Bill No. 1599), entitled:

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation.

Mr. CONNER, from the Committee on Appropriations, reported as committed, House Bill No. 3041 (Senate Bill No. 1636), entitled:

An Act making an appropriation for the payment of the salaries of members of the Senate and House of Representatives elected to fill vacancies happening during the session of the General Assembly of one thousand nine hundred and thirty-five.

Mr. LOVETT, from the Committee on Labor, reported as committed, House Resolution No. 176.

Mr. SARRAF, from the Committee on Public Health and Sanitation, reported as committed, House Resolution No. 174.

Mr. VanSICKLE, from the Committee on Counties, reported as amended, House Bill No. 2789 (Senate Bill No. 735), entitled:

An Act to amend sections nine and fifteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" reducing the amount required to be paid by the person redeeming lands sold at tax sale.

Mr. VanSICKLE, from the Committee on Counties, reported as amended, House Bill No. 2790 (Senate Bill No. 736), entitled:

An Act to amend section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (Pamphlet Laws one hundred seventy-seven) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes' " by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale.

Mr. VanSICKLE, from the Committee on Counties,

reported as amended, House Bill No. 2791 (Senate Bill No. 737), entitled:

An Act to amend section one of the act approved the third day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred twenty-eight) entitled "An act supplementary to the several acts of this Commonwealth for the sale of unseated lands" by reducing the amount required to be paid by the person redeeming such lands under certain circumstancs

Mr. VanSICKLE, from the Committee on Counties, reported as amended, House Bill No. 2792 (Senate Bill No. 738), entitled:

An Act to amend section three of the act approved the ninth day of March one thousand eight hundred and forty-seven (Pamphlet Laws two hundred seventy-nine) entitled "An act supplementary to acts relating to recording of deeds" by reducing the amount required to be paid by joint tenants tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale.

Mr. RINN, from the Committee on Highways, reported as amended, House Bill No. 2937 (Senate Bill No. 1391), entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a Sate Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth; and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioners; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough or incorporated town, and requiring contracts by counties, townships, boroughs and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State highways; making appropriations to carry out the provisions of this act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

BILLS ON FIRST READING

Pursuant to the motion of June 18 that all bills reported from Committee be read, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1891, entitled:

An Act to provide revenue by taxation by an assessment of two per centum tax on premiums of foreign insurance companies doing what is commonly known as automobile, theft, property and accident insurance, and to further provide for the distribution of the said tax by the State Treasurer to the treasurers of the several cities, boroughs, incorporated towns and townships within the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3037 (Senate Bill No. 1620), entitled

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial School to grant a right of way or easement to the Penn Central Light and Power Company across lands of the Pennsylvania Industrial School on certain conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2866 (Senate Bill No. 1006), entitled

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning township of the second class and amending revising consolidating and changing the law relating thereto" providing for the collection of county township and school taxes by the county commissioners in certain cases conferring power on school districts and townships with respect to the collection of their taxes and providing that the bonds of township tax collectors shall be fidelity bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3044 (Senate Bill No. 1527), entitled

An Act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3038 (Senate Bill No. 1622), entitled

An Act to amend the title of and the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred one) entitled "An act providing for the acquisition construction improvement operation and maintenance of bridges over rivers and navigable waters within the Commonwealth authorizing the issuance of bridge revenue bonds free from taxation and payable solely from bridge earnings to pay the cost of such bridges and improvements thereof providing for the collection of bridge tolls for the payment of such bonds and for the cost of maintenance operation and repair of the bridges constituting such bonds legal investments in certain instances prescribing conditions upon which such bridges shall become free bridges conferring powers and imposing duties on the State Bridge Commission providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and providing for condemnation" by extending the provisions thereof to tunnels for highway purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3029 (Senate Bill No. 1165), entitled

An Act making an appropriation to cities of the first class for the acquisition of lands and for the development and equipment of playgrounds and recreation and civic centers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2949 (Senate Bill No. 1352), entitled

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2882 (Senate Bill No. 1007), entitled

An Act to amend sections nine hundred one and one thousand eighty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for the collection of county borough and school taxes by the county commissioners in certain cases conferring powers on boroughs and school districts with respect to the collection of their taxes and providing that the bonds of borough tax collectors shall be fidelity bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2772 (Senate Bill No. 769), entitled

An Act to amend sections four five seven and twelve of the act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred thirty-nine) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violation thereof and repealing all acts or parts of acts inconsistent therewith as amended changing the requirements of medical education institutions and applicants for examination and licensure and defining new ground for the refusal or revocation of licenses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3052 (Senate Bill No. 1586), entitled

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws seven) entitled "An act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3051 (Senate Bill No. 1505), entitled

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws six) entitled "An act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3053 (Senate Bill No. 1587), entitled

An Act to amend section three of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws eight) entitled "An act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the repayment of the amounts transferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3054 (Senate Bill No. 1589), entitled

An Act to amend section two of the act approved the eleventh day of March one thousand nine hundred and thirty-five (Appropriation Acts Act Number one-A) en-

ed "An act transferring money from the Motor License nd to the General Fund and providing for the subse- ent return from the General Fund of the transferred oney" by extending the time for the return of the trans- rred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera- on of House Bill No. 3055 (Senate Bill No. 1591), en- led

An Act to amend section two of the act approved the wenty-fourth day of April one thousand nine hundred nd thirty-five (Appropriation Acts Act Number nine-A) ntitled "An act transferring money from the Liquor Li- nse Fund to the General Fund and appropriating the me to the State Emergency Relief Board and providing r the subsequent return from the General Fund of the ansferred money" by extending the time for the return f the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera- on of House Bill No. 3056 (Senate Bill No. 1592), en- tled

An Act to amend section two of the act approved the wenty-fourth day of April one thousand nine hundred nd thirty-five (Appropriation Acts Act Number twelve- A) entitled "An act transferring money from the State Stores Fund to the General Fund and appropriating the ame to the State Emergency Relief Board and providing or the subsequent return from the General Fund of the ansferred money" by extending the time for the return f the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and considera- ion of House Bill No. 3057 (Senate Bill No. 1593), en- tled

An Act to amend section two of the act approved the wenty-fourth day of April one thousand nine hundred nd thirty-five (Appropriation Acts Act Number eleven- A) entitled "An act transferring money from the Liquid uels Tax Fund to the General Fund and appropriating he same to the State Emergency Relief Board and pro- viding for the subsequent return from the General Fund of the transferred money" by extending the time for the turn of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 3058 (Senate Bill No. 1594), en- titled:

An Act to amend section two of the act approved the twenty-fourth day of April one thousand nine hundred and thirty-five (Appropriation Acts Act Number ten-A) entitled "An act transferring money from the Motor License Fund to the General Fund and appropriating the same to the State Emergency Relief Board and providing for the subsequent return from the General Fund of the transferred money" by extending the time for the return of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 3059 (Senate Bill No. 1595), en- titled:

An Act to amend section two of the act approved the nineteenth day of September one thousand nine hundred and thirty-four (Pamphlet Laws five) entitled "An act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money" by ex- tending the time for the repayment of the amounts trans- ferred.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 2884 (Senate Bill No. 1239), en- titled:

An Act making an appropriation to the Department of Public Instruction for the payment of the claim of the plumbing sub-contractor in connection with certain work at the California State Teachers College.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 3045 (Senate Bill No. 1599), en- titled:

An Act providing for the purchase and for the distribu- tion of vitamin products as defined in this act to certain pupils in the public schools conferring powers and impos- ing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 3041 (Senate Bill No. 1636), en- titled:

An Act making an appropriation for the payment of the salaries of Members of the Senate and House of Repre- sentatives elected to fill vacancies happening during the Session of the General Assembly of one thousand nine hundred and thirty-five.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consider- ation of House Bill No. 2789 (Senate Bill No. 735), en- titled:

An Act to amend sections nine and fifteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpay- ment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county com- missioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and au- thorizing the county commissioners to purchase such lands and resell the same under certain circumstances" reducing

the amount required to be paid by the person redeeming lands sold at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2790 (Senate Bill No. 736), entitled:

An Act to amend section four of the act approved the thirteenth day of March one thousand eight hundred and fifteen (Pamphlet Laws one hundred seventy-seven) entitled "An act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes and for other purposes'" by reducing the amount required to be paid by the person redeeming unseated lands sold at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2791 (Senate Bill No. 737), entitled:

An Act to amend section one of the act approved the third day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred twenty-eight) entitled "An act supplementary to the several acts of this Commonwealth for the sale of unseated lands" by reducing the amount required to be paid by the person redeeming such lands under certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2792 (Senate Bill No. 738), entitled:

An Act to amend section three of the act approved the ninth day of March one thousand eight hundred and forty-seven (Pamphlet Laws two hundred seventy-nine) entitled "An act supplementary to acts relating to recording of deeds" by reducing the amount required to be paid by joining tenants tenants in common or co-partners of unseated lands in redeeming such lands sold at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2937 (Senate Bill No. 1391), entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineers, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats; principal cities and towns extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of destroying State Highways; making appropriations to carry out the provisions of this act: and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RESOLUTION

Mr. REYNOLDS offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 19, 1935.

Whereas, The Government of the United States has appropriated $4,800,000,000 for the purpose of constructing public work projects to relieve unemployment; and

Whereas, There is great need of a playground in the 47th Ward of the City of Philadelphia; therefore, be it

Resolved, That the Federal Public Works Relief Administration be requested to allocate from the appropriation for public works projects sufficient moneys to provide for and equip a playground in the 47th Ward of the City of Philadelphia.

Resolved, That a copy of this resolution be transmitted to the Federal Public Works Relief Administration by the Chief Clerk of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 9.00 P. M. Are there objections? The Chair hears none and declares a recess until 9.00 P. M.

AFTER RECESS

The House reconvened at 9.00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

QUESTION OF PERSONAL PRIVILEGE

Mr. WITKIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. WITKIN. Mr. Speaker and members of the House. on April 17 this year, which happened to be the birthday of my daughter, I was absent from the House after the first session of the House, and I direct the attention of the House to the fact that Mr. Turner, the gentleman from Delaware, made a statement with respect to another bill which I quote as follows:

"When the chairman of the Republican Steering Committee left this afternoon, he advised me that this bill was not to be acted upon this evening."

That remark referred to some bill other than the one concerning which I desire to make the statement. I left the House on that day in order to attend a birthday party in Philadelphia that evening to my daughter. It appears that I failed to vote upon House Bill No. 67 which is known as the "Equals rights" bill. I am not recorded as voting,—properly so because I was not here.

I want to state of record that had I been here I not only would have voted in favor of the bill but I would have spoken in its behalf. I want further to say of record that I have during past sessions of the Legislature from 1925 to and including the present date, always been in favor of equal rights for persons regardless of race or color, and those of my political opponents who seek to make capital out of the fact that I did not vote upon this particular bill are falsely making capital, because I have no apologies to make for not being here on that particular day. I am frank to repeat and reiterate that had I been here I would have done on this bill as I have done on past bills of a similar kind and character, not only voted for it but spoken in its behalf. I am frank to say now that I make this statement in order that there may be no question as to how I stand upon the question of equal rights for persons regardless of race or color.

The SPEAKER. The remarks of the gentleman on the question of personal privilege will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. BLUMBERG. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. BLUMBERG. Mr. Speaker and members of the House, I too this evening have had called to my attention the fact that the official Journal of the House discloses that I am not recorded as voting on House Bill 67, known as the "equal rights" bill, the bill to which Mr. Witkin has just referred. I have racked my recollection to determine whether I was present on that day and voting. And I find that I am recorded as voting on that day on other bills. I am at a loss to understand why I am not recorded as voting on this particular bill, inasmuch as there was no debate on the bill and there were no nay votes recorded. Either I was present and voted or I was absent. I am not able frankly to tell what was in fact the case. I wish, however, for the purpose of the record to state to this House, that had I been present I would of course have voted "aye" on the "equal rights" bill just as I have consistently done, both by my vote and my voice, since the session of 1921. I make this statement in order that there shall be no question about my personal and official stand on all equal rights measures.

QUESTION OF PERSONAL PRIVILEGE

Mr. HART. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. HART. Mr. Speaker and ladies and gentlemen of the House, I rise on this question because ever since 1925, when I first came into this House, the greatest exponents of the equal rights bills, as they came up in this House, have been both Mr. Witkin and Mr. Blumberg. I feel that a great injustice has been done especially to Mr. Blumberg who was here on the occasion in question and who voted for this bill. I feel that it is an injustice that they should be deprived of the right of having their vote recorded as voting in favor of this bill. In every session of this House when these bills have come up they have been practically an eye sore to some of the people in this House, but nevertheless they have been aimed to give fair play to all of the people of Pennsylvania. If those who have championed the cause of these bills are to be deprived of the right and privilege of having their votes recorded, it seems to me that there is something unfair something very grievously in error.

I am not here to speak on this matter idly but I am here to speak on this matter because it savors of an injustice which will react against two men who have been the champions of this particular cause, if such an impression becomes spread all over the state of Pennsylvania.

In Philadelphia and in every section of Pennsylvania where my people have clamoured for the last twenty years for fair play and equal rights at the hands of the Legislative body of Pennsylvania, they have cherished the fact that Mort Witkin and Arnold Blumberg have been among the outstanding factors of that group, and I ask if there is anyway whereby justice can be done these two men in the eyes of all of the people of Pennsylvania, and if this House will not lay aside all politics because when this bill passed the other day there was no politics displayed. The Democrats and the Republicans alike voted for this bill, and then the crowning feature was when the Governor of the State of Pennsylvania affixed his signature to this bill over a protest or an attempt that was about to be made to destroy the effect of this bill.

Mr. Speaker, I again ask you, sir, if there is any way whereby justice can be done to these two men, and if so that the House will take such action.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 181

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 19, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 181, Printer's No. 1276, entitled "An act to amend section two hundred and twenty of the act approved the second day of May one

thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the City of Pittston and Duryea Borough line."

GEORGE H. EARLE.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

SENATE BILL No. 1510. (HOUSE BILL No. 3060).

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties.

Referred to the Committee on Agriculture.

SENATE BILL No. 1515. (HOUSE BILL No. 3061).

An Act to amend the title and the act approved the twenty-third day of May one housand nine hundred and seven (Pamphlet Laws two hundred twenty-seven) entitled "An act relating to husband and wife and to enlarge the rights and remedies of married women in case of desertion or non-support by husband" as amended extending said rights to children abandoned by a father.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1581. (HOUSE BILL No. 3062).

An Act to enable county commissioners in counties of the second class to issue sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

Referred to the Committee on Counties.

SENATE BILL No. 1286. (HOUSE BILL No. 3063).

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trade-mark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat rye corn and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" further prescribing what may be mixed and sold under the provisions of the act.

Referred to the Committee on Agriculture.

COMMITTEES GRANTED PERMISSION TO MEET DURING SESSION

Mr. HETRICK asked and obtained permission for the Committee on Counties to meet during the session of th House.

Mr. SHUGARTS asked and obtained permission for th Committee on Public Utilities to meet during the sessio of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consider ation of House Bill No. 2923 (Senate Bill No. 1386) entitled:

An Act to amend section one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative deparments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department boards and commissions shall be determined" establishing a board for the determination and payment of minor damages caused by the National Guard.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirach,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,

Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1494 (Senate Bill No. 307), entitled:

An Act providing for the payment of costs of prosecution in all cases where fines or forfeited bail is payable to the Commonwealth and imposing duties on the fiscal officers of the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2993 (Senate Bill No. 1028), entitled:

An Act to amend section six hundred twenty-nine of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from sub-division (b) of Article six of that Act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,

Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2994 (Senate Bill No. 1027), entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloys associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2985 (Senate Bill No. 1514), entitled:

An Act to amend section one of the act approved the third day of May one thousand nine hundred and seventeen (Pamphlet Laws one hundred twelve) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts bona fide taken out by any person not exceeding one hundred dollars per month" by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mallen,	Shepard,
Alexander,	Ferko,	Mason,	Shortz,
Allen,	Finnerty,	McCreary,	Shreiner,
Altenburg,	Fitch,	McDermott,	Shugarts,
Andrews,	Flanagan,	McDevitt,	Siegel,
Arnold,	Flinchbaugh,	McElroy,	Simon,
Atkins,	Flynn,	McHenry,	Simpson,
Aukerman,	Forrest,	McKinney,	Sinwell,
Baine,	Furman,	Melchiorre,	Sloan,
Baker, J. J.,	Gates,	Mentzer,	Smith, J. A.,
Baldi,	Gerard,	Merrell,	Smith, W. G.,
Barber,	Gillette,	Moomaw,	Snyder, F. E.,
Barnhardt,	Green,	Mooney,	Snyder, J. L.,
Bernhard,	Greenstein,	Moore,	Sowers,
Blumberg,	Habbyshaw,	Moran,	Spangler,
Boose,	Haberlen,	Moul,	Sproul,
Boyd, R.,	Hagerty,	Muir,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,

Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holland,	Pfaff,	Van Allsburg,
Chervenak,	Holstrom,	Phillips,	Van Sickle,
Coakley,	Hoopes,	Piole,	Walker,
Cochran,	Horst,	Powers,	Wall,
Cohen,	Jackson,	Reising,	Wasserman,
Coleman,	Jones,	Reynolds,	Weidemann,
Condon,	Kane,	Rhys,	Weiss,
Conner,	Kelder,	Rinn,	Welliver,
Coolahan,	Kelso,	Roan,	Welsh,
Cordier,	Kilroy,	Robinson,	Westrick,
Davies,	Kinney,	Rooney,	White,
Decker,	Klingler,	Root,	Wickersham,
Denning,	Kobelak,	Ruffennach,	Winner,
Dent,	LaRue,	Ruth,	Witkin,
Diehl,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Downey, G. E.,	Longaker,	Schrock,	Yeakel,
Downey, J. J.,	Lovett,	Schrope,	Yourishin,
Duffort,	Lynch,	Schwab,	Zappala,
Eberharter,	Male,	Schwartz,	Zimmerman,
Eroe,		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2978 (Senate Bill No. 1032), entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyd associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3013 (Senate Bill No. 1035), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that a new section to be known as section four hundred and ten B (410 B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2945 (Senate Bill No. 951), entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2984 (Senate Bill No. 1484), entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public

school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three and requiring the Commonwealth to contribute on the same basis in such cases

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2902 (Senate Bill No. 1128), as follows:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by restricting the right to proceed against certain property and persons limiting the amount of deficiency judgments and continuing rights duties and obligations established or forfeited under prior laws relating to deficiency judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage or any other obligation securing or guaranteeing the payment thereof is or has been given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal of the mortgage debtor may be attached levied on or sold for the debt secured by such bond and mortgage and before any other person bound by any obligation securing or guaranteeing the payment of said mortgage debt may be proceeded against or any property real or personal of any such other person may be attached levied on or sold for the debt secured by such bond and mortgage

Section 2 Whenever any real property is sold on or before June thirtieth one thousand nine hundred and thirty-seven on any execution on the foreclosure of any mortgage or on a judgment entered on any obligations secured by mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs including taxes the plaintiff or use plaintiff shall within six months after such sale petition the Court out of which such execution issued to fix the fair value of the property sold at the time of such sale

Section 3 The petition shall set forth

(a) The location by address or description of the real estate sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) The price for which said property was sold at Sheriff's sale

(c) The cost of the proceedings under which the property was sold

(d) The amount of the judgment and the accrued and unpaid taxes water rents and other State and Municipal liens and interest and penalties thereon and other prior mortgage or judgment liens at the time of the said sale

(e) A statement of the fair value of said property at the time of said sale and shall name as respondents the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt or any obligation securing or guaranteeing such mortgage debt

Section 4 The Court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition Any party in interest may prior to the time of the hearing demand in writing a jury trial on any material issue or issues of fact raised by the pleadings whereupon the said issue or issues shall be determined by a jury trial as in other cases

Section 5 Said petition may be served by the Sheriff of the County or by the Sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the sheriff is that the respondent or respondents or any of them cannot be found in this county or state said respondent or respondents may be

served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least ten days prior to the presentation of such petition a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon Provided however That if there be no legal newspaper in the county and there be more than one newspaper of general circulation then in two such newspapers otherwise in the one only

Section 6 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed at least five days before the time fixed for hearing Excepting however That service of the petition may be made personally by a person other than such sheriff or may be made by registered letter directed to the last known place of residence of such parties or if the last known place of residence of any of such parties shall not be known to the petitioner such notice shall be given by publication as above provided No judgment shall be entered or hearing had until the Court shall be satisfied that service has been made upon all the respondents in any one of the methods herein provided

Section 7 At such hearings any party in interest may introduce into evidence testimony of the fair value of the premises sold at the time of the sale or of any other matter in issue If the fair value of the said property at the time of the said sale shall be finally determined to be less than the total of the amounts of the judgment with interest and costs any prior mortgage or judgment liens not discharged by the sale the secured and unpaid taxes water rents and other state or municipal liens with interest and penalties thereon the Court shall enter a deficiency judgment in the said proceeding in the amount of the difference and thereupon the liability of all persons directly or indirectly liable for the payment of the said mortgage debt shall be limited to the amount of the said deficiency judgment Provided however that in no event shall the fair value be determined to be less than the price for which the property was sold at such Sheriff's sale

Section 8 After such Sheriff's sale no such plaintiff or use plaintiff shall take any proceedings to recover or collect the amount of the mortgage debt until and unless such deficiency judgment shall have been entered and if the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the Prothonotary shall enter satisfaction of such judgment upon the written motion of the defendant or other party in interest Such satisfaction shall have the effect of terminating as well the liability of all persons directly or indirectly liable for the payment of said mortgage debt or any obligation securing or guaranteeing such mortgage debt

Section 9 The defendant in the foreclosure proceedings or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing or guaranteeing the payment of the mortgage debt or other person in interest may at any time after the sale present a petition to the Court in like manner to fix the fair value of the property sold In such case there shall be named as respondents the plaintiff and use plaintiffs as well as all other persons known to petitioner to be directly or indirectly liable to plaintiff or use plaintiff or any other person for the payment of the said mortgage debt and the case shall proceed in the same manner as hereinbefore provided for in the case of a petition by the plaintiff or use plaintiff

Section 10 Whenever at Such Sheriff's sale the holder of a lien subsequent to that upon which the sale was had shall become the purchaser of the said property he shall not be entitled to take any proceedings to recover or collect the amount of the debt secured by the said lien or encumbrance until and unless a deficiency judgment shall be entered on such debt within the time and in the manner as hereinbefore provided in proceedings to obtain a deficiency judgment under the mortgage upon which the Sheriff's sale was had and in such case all the provisions of this Act shall apply with the same force and effect as if the said sale had been held upon said subsequent lien or any obligation secured thereby

Section 11 This act shall be deemed and shall be construed to be a continuation of the provisions of the act approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred forty-three one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to protect the owners of mortgaged property during the present emergency by limiting the amount of deficiency judgments during a certain period" and all rights vested or duties or obligations imposed or rights forfeited under the provisions of said act shall be deemed continued so vested imposed or forfeited under this act and enforceable under this act notwithstanding the expiration of said act January seventeenth one thousand nine hundred and thirty-four by its own limitation

Section 12 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 13 This act is an emergency measure under the police power of this Commonwealth

Section 14 All acts and parts of acts inconsistent herewith are hereby repealed

Section 15 The provisions of this act shall become effective on July 1 1935

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2991 (Senate Bill No. 562), entitled:

An Act to amend the title and the act approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-six) entiled "An act empowering counties cities boroughs towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moonaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. I.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,

Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2922 (Senate Bill No. 1384), entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "five" the following: "as amended, and section twelve hundred and eight".

Amend title, page 1, next to last line of title, by striking out the words "as amended".

Amend title, page 1, last line of title, by inserting after the word "teachers" the following: "providing when and how supervising principals, principals and teachers as herein defined may be dismissed or refused reelection, and conferring powers and imposing duties on officers of school districts and courts of common pleas."

Amend bill, page 4, by inserting between lines 12 and 13 the following:

"Section 2. Section twelve hundred and eight of said act is hereby amended to read as follows:

Section 1208. (a) Any supervising principal (other than one acting as the chief administrative officer of a school district), principal or teacher employed in any school district may be dismissed at any time or may be refused reelection for the next ensuing term by the board of school directors as hereinafter provided on account of immorality, incompetency, intemperance, cruelty to a pupil or pupils, negligence, attainment of superannuation age, or for the violation of any of the provisions of this act if such violation is a misdemeanor. [Provided, That before any principal or teacher is dismissed, he shall be given an opportunity to be heard after reasonable notice in writing of the charges made against him.] The word teacher as used in this section shall be construed to include any dental hygienist, nurse, secretary or other employe of a school district who is duly certificated as a teacher.

(b) Before any such supervising principal, principal or teacher is dismissed, or refused reelection, by the board of school directors, the secretary of the school district shall furnish such supervising principal, principal or teacher with a detailed written statement of the charges upon which his or her dismissal or refusal of reelection is based, together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such supervising principal, principal or teacher will be given an opportunity to be heard, either in person or by counsel, or both, at a public hearing before the board of school directors. Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice. At such hearing, all testimony offered, including that of complainants and their witnesses as well as that of the accused supervising principal, principal or teacher, and his or her witnesses shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned by agreement by the persons charged and the board of school directors.

(c) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors shall by majority vote to be recorded by roll call, determine whether or not such charges or complaints have been sustained, and in accordance with such determination, discharge, refuse to reelect or retain such supervising principal, principal or teacher.

(d) No member of any board of school directors shall vote on any roll call if he is related as father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle or aunt to the supervising principal, principal or teacher involved, or to any of the parties instituting the complaint.

(e) A written notice of any decision of the board of school directors discharging or refusing to reelect a supervising principal, principal or teacher shall be sent by registered mail to such supervising principal, principal or teacher at his or her last known address within ten (10) days after such hearing is actually concluded.

(f) In case the supervising principal, principal or teacher concerned considers him or herself aggrieved by the action of the board of school directors, an appeal by petition setting forth the grounds for such appeal may be taken to the court of common pleas of the county wherein the school district concerned is situate. Such appeal shall be filed within thirty (30) days after receipt by registered mail of the written notice of the decision of the board, and a copy of such appeal shall be served by registered mail on the secretary of the school board. The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing de novo by the court which shall be not sooner than ten (10) days, nor more than twenty (20) days after the presentation of such petition. Upon the hearing de novo

of said petition, the court shall make whatever order it considers just, either affirming or reversing the action of the board of school directors, and stating plainly whether the supervising principal, principal or teacher is to be discharged, refused reelection, or is to be retained. The decision of the court of common pleas shall be final and there shall be no further appeal."

Amend Sec. 2, page 4, line 13, by striking out the figure "2" and insert in lieu thereof: "3".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2865 (Senate Bill No. 657), entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one housand eight hundred and ninety-five (Pamphlet Laws two hundred twelve) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for further study.

The motion was agreed to.

COMMITTEE GRANTED PERMISSION TO MEET DURING SESSION

Mr. SCHWAB asked and obtained permission for the Committee on Forestry to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2950 (Senate Bill No. 55), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holland,	Phillips,	VanSickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klinger,	Ruffennach,	Winner,
Deeming,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2864 (Senate Bill No. 656), entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An act to provide for the publication of the de-

cisions of the Supreme Court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. HOMER S. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2260 (Senate Bill No. 441), entitled:

An Act to define the liability of grantees of real estate to their grantors in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, J J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Terry,
Cannon,	Hetrick,	Pearson,	Tronzo,
Caputo,	Hindman,	Perry,	Trout,
Carr,	Hirsch,	Peters,	Tumelty,
Carson,	Hoffner,	Pfaff,	Turner,
Castor,	Holland,	Phillips,	Van Allsburg,
Chervenak,	Holstrom,	Piole,	Van Sickle,
Coakley,	Hoopes,	Powers,	Walker,
Cochran,	Horst,	Reising,	Wall,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Erce,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILL ON THIRD READING

Mr. WITKIN. Mr. Speaker, I desire to call up at this time House Bill No. 2940, Senate Bill No. 1426, Printer's No. 721, on page 30 of today's calendar, bills on third reading. This bill was placed on the postponed calendar this afternoon with the understanding that I would offer certain amendments to put the bill back in the shape in which it was before it was amended in the House, and I call it up for the purpose of offering amendments .

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2940 (Senate Bill No. 1426), entitled

An Act prohibiting others than members of the Bar to practice law and providing penalties

On the question,

Will the House agree to the bill on third reading?

Mr. WITKIN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 4, by striking out the words "Which among other"

Amend sec. 1, page 1, lines 5 to 8, by striking out all of said lines, both inclusive

Amend sec. 1, page 1, line 9, by striking out the words "and Courts"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. BLUMBERG asked and obtained unanimous consent to call up out of order, House Bill No. 1755, Printer's No. 1569, on page 11 of today's calendar, bills on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1755, as follows:

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public

[Illegible] other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing pnalties" better defining the word "club" and permitting sales by clubs on Sundays and eliminating the prohibition against the maintenance of a bar

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any group of thirty or more individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or convenience which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse and whose net receipts from alcoholic beverages shall not be more than fifty percent of the gross receipts of the Club

"Corporation" shall mean a corporation or joint stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accommodating at least forty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures which contain more than one-half of one per cent of alcohol by volume except alcohol and malt liquors

"Malt Liquor" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor as marketed by the manufacturer

"Person" every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing meals for the public the place to have an area within a building of not less than five hundred square feet equipped with tables and chairs accommodating at least fifty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto

"Sale" or "Sell" shall include any transfer of liquor for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests patrons or members and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

Liquor may be sold by licensees other than clubs only after seven o'clock antemeridian of any weekday and until two antemeridian of the following week day and shall not be sold by licensees other than clubs on Sunday or on any day on which a general municipal special or primary election is being held

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 2 This act shall be effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. SURFACE. Mr. Speaker and fellow members of the House, this bill has been considerably modified or rewritten in portions, and it is different from that which we discussed earlier in the week. There have also been changes apparently made in the names of the sponsors of the bill, unless the bill that I held this afternoon and which I could not find just now does not follow the same bill, or may not be the same bill. It seems to be a metamorphosis.

However, the members of the House should realize that this bill provides that the net receipts from alcoholic beverages in clubs may be as much as 50 per cent of the gross receipts of the club. This bill is one that refers continuously to such subjects as a hotel shall mean any reputable place, having stress on the word "reputable,"—a restaurant shall be a reputable place conducted by a person of good reputation, and so forth. This is very important, but

the important and fundamental things to me is that this is a club license bill and gives a license for selling liquor at all times of the day and night at all hours and all days of the week, including Sundays, and also election day. It seems to me that it is not necessary for us to say much else to an intelligent and conscientious body than to point out this fundamental factor which I have just now given to you. It does say "election day," at least to the extent that it does not prohibit. It says that the sales of liquor can be made at all times. Here it is, on page six—

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Snyder, Mr. Surface, if he will yield for a moment in order that I may raise a question of parliamentary inquiry concerning a certain amendment that was made to this bill?

Mr. SURFACE. Mr. Speaker, I will be glad to yield.

The SPEAKER. The gentleman from Snyder yields to the gentleman from Philadelphia, Mr. Witkin.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, the amendments that were made to this bill by the gentleman from Philadelphia, Mr. Blumberg, provided on page six, line eleven, that the words after the word "Sunday" "or on any day on which a general, municipal, special or primary election is being held" be stricken from the bill. Those amendments were sent up to the desk.

The bill under the latest Printer's number, 1569, did not contain that amendment, and the gentleman is arguing upon the question of the right of a club to sell liquor on election days whereas this House went on record as striking out that portion of the bill. I want to know now whether or not we can consider this bill with the amendment as made by the gentlemman from Philadelphia, Mr. Blumberg, or whether we cannot. I would like to be advised by the Chair on that question.

The SPEAKER. Will the gentleman from Philadelphia yield until the Chair has had an opportunity to get the official record to see whether or not the amendment is contained in the bill as stated by the gentleman from Philadelphia, Mr. Witkin?

Mr. WITKIN. I will, Mr. Speaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Blumberg, agree to withdraw the bill for the present until the official record can be examined and the members may know exactly what is in the bill?

Mr. BLUMBERG. Yes, Mr. Speaker.

BILL ON THIRD READING

Mr. MASON. Mr. Speaker, I desire to call up at this time House Bill No. 2762, Printer's No. 1377, on page 13, of today's calendar, which was placed on the postponed calendar today.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2762, entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	Mason,	Shortz,
Alexander,	Ferko,	McCreary,	Shreiner,
Allen,	Finnerty,	McDermott,	Shugarts,
Altenburg,	Fitch,	McDevitt,	Siegel,
Andrews,	Flanagan,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, J J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sprout,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrope,	Yeakel
Downey, G. E.,	Longaker,	Schwab,	Yourishin,
Downey, J J.,	Lovett,	Schwartz,	Zappala,
Duffort,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	Mallen,		

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 458.

An Act relating to the playing of certain sports on Sunday prohibiting such sports on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same provid-

ing for referendums to ascertain the will of the electors changing the hours during which certain sports may be conducted staged and played where the electors are in favor of the same providing penalties and repealing inconsistent laws.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1972

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1972.

An Act fixing the salary of the district attorney in counties of the seventh class.

RESOLUTION

Mr. VanSICKLE offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 19, 1935.

Whereas, The files of the bills presented to and the proceedings of the General Assembly of the Session of one thousand nine hundred and thirty-five are the property of the members thereof and are desired for preservation by said members, and

Whereas, Said files have, at former sessions, been forwarded to the homes of the members at the conclusion of the session by the Department of Property and Supplies, therefore, be it

Resolved, That the Secretary of the said Department of Property and Supplies shall be requested by the Chief Clerk of the House of Representatives to forward such files and supplies belonging to members of the House of Representatives as they may designate, to such address as shall be furnished by them to the said Chief Clerk of the House of Representatives, and that a copy of this resolution be forwarded by the said Chief Clerk to the Secretary of the said Department of Property and Supplies.

RESOLUTION

Mr. COAKLEY offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 19, 1935.

Resolved, That Resolution No. 124, Serial No. 169, be amended so that paragraph 5 thereof shall read as follows:

Resolved, That said Committee shall make a preliminary report to the House of Representatives during this Session and a final report to the next special or regular Session as soon as possible.

RESOLUTION No. 167

Mr. COAKLEY. Mr. Speaker, I desire to call up at this time Resolution No. 167, Printer's No. 1564.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 10, 1935.

Whereas, The Federal Government has created a fund of $4,000,000 for the construction of public works to relieve unemployment; and

Whereas, The construction and operation of municipal sewers and sewage treatment works not only relieves unemployment, but as well is one of the desired steps in purifying the streams and relieving filtration plants of excess loads; and

Whereas, Because of the Constitutional limitation on its borrowing power, and the large amount of delinquent taxes, it is impossible for the city of Easton to complete the construction of its sewage system and the necessary sewage treatment works; therefore be it

Resolved, (if the Senate concur), That the Federal authorities be requested to allocate from the Federal appropriation for public works, such sum or sums as may be necessary for the completion of the sewage system and sewage treatment works in the city of Easton, and that such sums be requested as outright grants to enable said city to proceed with these improvements.

Resolved, That a copy of this resolution be transmitted to the Public Works Administration by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION No. 166

Mr. COAKLEY. Mr. Speaker, I desire to call up at this time Resolution No. 166, Printer's No. 1563.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 10, 1935.

Whereas, The Federal Government has created a fund of $4,000,000 for the construction and acquisition of public works; and

Whereas, One of the most important steps in the field of public works is the acquisition and operation of water-works by municipalities; and

Whereas, The city of Easton faces a problem in the supply of water now furnished to the public in said city, and is desirous of purchasing existing private water-works now supplying water to the public of said city; therefore be it

Resolved, (if the Senate concur), That the Federal authorities be requested to allocate from any Federal appropriations available for such purposes such sum or sums as may be necessary to enable the city of Easton to acquire the water-works and systems now supplying water to the public of said city, and that said sums be requested as outright grants.

Resolved, That a copy of this resolution be transmitted to the Public Works Administration by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

COMMITTEE TO INVESTIGATE MEDICAL SCHOOLS

Mr. TAHL asked and obtained unanimous consent to offer a resolution which was read by the Clerk as follows:

In the House of Representatives, June 19, 1935.

Whereas, A large number of the young people of our Commonwealth, who have attained the proper scholastic requirements, are denied admission to the medical schools of this Commonwealth; and

Whereas, It is believed that this is due in large measure to the many students from other states, territories and countries who are admitted to such institutions; and

Whereas, The General Assembly at each biennial session of the Legislature appropriates large sums of money for the support of these schools; therefore be it

Resolved, That the Speaker appoint a committee of five members of this House whose duty it shall be to gather information showing the number of students admitteed or to be admitted to the medical schools of this Commonwealth for the years one thousand nine hundred and thirty-four and one thousand nine hundred and

thirty-five, the number of students in the classes admitted said years who reside in this Commonwealth, and the number who reside outside this Commonwealth, showing the number admitted from each other state and country. The committee shall also gather such additional data and information as it deems pertinent to the purposes of this resolution.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect or subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect to refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Resolved, That said committee shall report to the next session of the House of Representatives.

Mr. TAHL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. WITKIN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted.

The resolution will be filed with the Clerk under the rules.

RESOLUTION

Mr. RUTH offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 19, 1935.

Resolved, That the House of Representatives extend its sincere thanks to the Members of the Harrisburg Ministerial Association, to the Reverend David Dunn, secretary of said Association, and to all other ministers who so freely gave of their time, without compensation, to act as Chaplain of the House during the Session of 1935.

Resolved, That a copy of this resolution be transmitted to the Secretary of the Harrisburg Ministerial Association by the Chief Clerk of the House.

BILL DROPPED FROM CALENDAR

Mr. MASON. Mr. Speaker, I move that House Bill No. 57, Printer's No. 759, on page 39, of today's calendar, bill on third reading postponed, be dropped from the calendar.

The motion was agreed to.

BILL ON THIRD READING

Mr. BARBER. Mr. Speaker, I desire to call up at this time House Bill No. 2867, Senate Bill No. 1049, Printer's No. 604, on page 17 of today's calendar, which was placed upon the postponed calendar.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. Barber.

The House resumed the consideration on third reading of House Bill No. 2867 (Senate Bill No. 1049), entitled

An Act to amend clauses (i) and (l) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine

On the question recurring,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Erie, Mr. Barber.

The SPEAKER. Will the gentleman from Erie, Mr. Barber, permit himself to be interrogated?

Mr. BARBER. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, am I correct in the following understanding with respect to this bill:

As I understand the situation, the bill was amended in the House, that there are several amendments to this bill, that the Senator from Erie, Mr. Ziesenheim, the sponsor of this bill is to have other conferences with the Liquor Control Board with respect to additional amendments and with respect to the present amendments; that you desire the House to pass this bill tonight with the present amendments; that the Senate will then non concur in those amendments, a conference committee will be appointed for the purpose of endeavoring to iron out the situation satisfactorily both to the Senator from Erie, Mr. Ziesenheim, yourself and the Liquor Control Board?

Mr. BARBER. That is right, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Froe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Auhorman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Furman,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,

Cassidy,	Harvard,	Phillips,	VanSickle,
Chairwhak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davis,	Klinger,	Root,	Winner,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Wood,
Dent,	Linderman,	Sarraf,	Woodside,
Diehl,	Long,	Scanlon,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,	Shepard,	

NAYS—4

Gates,	Kane,	Schrock,	Wickersham,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RESOLUTION

Mr. McCREARY asked and obtained unanimous consent to offer a resolution which was read by the Clerk as follows:

In the House of Representatives, June 19, 1935.

Whereas, Associations and corporations generally known as Co-operative Agricultural Associations or Corporations of Producers of Farm Products are directly or indirectly marketing to consumers of farm products in this Commonwealth an ever increasing proportion of such products produced by the farmers of this Commonwealth, and

Whereas, A substantial number of the citizens of this Commonwealth are directly interested in the management, operation and supervision of such associations or corporations as members thereof, and

Whereas, the general public of the Commonwealth has an interest in the management, operation and supervision of such associations or corporations by reason of the fact that a substantial and ever increasing proportion of the agricultural products sold to the general public for consumption are marketed through such associations or corporations, and

Whereas, it is said to be desirable that the present laws governing such associations or corporations be revised to provide for the more efficient management, operation and supervision of such associations or corporations in the interest of the members thereof and the general public, and

Whereas, certain legislation has been proposed and is now pending before the Legislature designed to revise the existing law relating to such associations or corporations and it is said to be desirable that legislation be enacted properly to revise the management, operation and supervision of such associations or corporations, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a committee of five members of the House of Representatives, whose duty it shall be to investigate the operation of existing laws relative to the management, operation and supervision of Co-operative Agricultural Associations or Corporations of Producers of Farm Products, and to determine what, if any, changes or revisions should be made in such laws properly to provide for such management, operation and supervision of said associations or corporations in the future, and

Resolved, That the committee shall make a report to the House of Representatives as early as possible either at this session, if feasible, or at the next special or general session of the House of Representatives, and

Resolved, That the said committee shall have the power to hold public or private hearings, and to audit the books and accounts of such Co-operative Agricultural Associations or Corporations of Producers of Farm Products as in the opinion of the committee it may deem necessary to effectuate the purpose of this Resolution and to effect the purpose of this Resolution the committee shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before it and to answer to such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of the said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the law of the Commonwealth in such cases.

Mr. McCREARY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections? The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

MOTION TO SUSPEND RULES

Mr. RUTH. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of considering the resolution just read.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask what is there so pressing about this resolution that it cannot take, as you have throughout this entire session desired all resolutions to take, its normal course, send it to committee and if in proper form, and a proper resolution, report it out of committee and acted upon by this House?

Mr. RUTH. Mr. Speaker, we have passed resolutions tonight without referring them to committee. That is the reason I asked that this be passed.

Mr. WITKIN. Mr. Speaker, I ask the gentleman to reply to the question, what is there so pressing that this particular resolution requires immediate consideration tonight?

Mr. RUTH. The resolution has been reported out of the Agricultural Committee and we would like to pass it this evening.

Mr. WITKIN. The gentleman from Berks, Mr. Ruth, has just stated that this resolution was reported out of the Agricultural Committee, is that correct? As I understand, Mr. Speaker, it was just introduced.

Mr. McCREARY. Mr. Speaker, may I be allowed to answer that question?

The SPEAKER. The gentleman will be permitted to answer the question.

Mr. McCREARY. Mr. Speaker, this resolution was reported out of the Agricultural Committee.

Mr. WITKIN. Mr. Speaker, I have just been advised that the gentleman from Berks, Mr. Ruth, is correct. As I understood the Chair, I believed that this was a resolution that was just introduced, and I believe the Chair so announced. If it came from Committee I do not object to the immediate consideration of this resolution. I would ask the Chair to advise me and reply to the question of whether or not it came from the committee, whether I am in error or whether the gentleman from Berks is in error.

The SPEAKER. The Chair will ask the gentleman from Erie when he first introduced this resolution.

Mr. McCREARY. Mr. Speaker, we reported that out of committee.

The SPEAKER. From what committee?

Mr. McCREARY. Out of the Agricultural Committee, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, I withdraw my objection.

The SPEAKER. There is no previous record of this resolution. This resolution is not endorsed as reported from a committee. It has no number and it does not show any evidence of having been referred to a committee.

Mr. WITKIN. Mr. Speaker, I am still objecting.

The SPEAKER. There is no record on this resolution that it has ever been referred to any committee. What are the real facts? The Chair asks the gentleman from Erie when this resolution was referred to a committee?

Mr. McCREARY. Mr. Speaker, I do not know that it was referred to a committee. I was asked to introduce it this evening.

The SPEAKER. The resolution will be passed over until the Chair has had an oportunity to check the record.

BILL ON FINAL PASSAGE

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1755, Printer's No. 1569, on page 11 of today's calendar, bills on final passage, which was passed over.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1755, entitled

An Act to amend section two and section four hundred and eleven of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" better defining the word "club" and permitting sales by clubs on Sundays and eliminating the prohibition against the maintenance of a bar

On the question,

Shall the bill pass finally?

Mr. SURFACE. Mr. Speaker and fellow-members of the House, it is for you to decide whether or not you want a bill that will permit the selling of all kinds of liquors at all times of the day and night, during all days of the week, Sunday inclusive, and also on election days. If so, you are at liberty to vote for this bill. If not, please believe me that this bill is not what you will want to vote for.

I wish you to notice, if you please, what a difference two little commas will make when this bill is punctuated. As it stands now, it says: "Liquor may be sold by licensees other than clubs only after seven o'clock antemeridian of any weekday and until two antemeridian of the following week day and shall not be sold by licensees other than clubs on Sunday or on any day on which a general municipal special or primary election is being held,"—let us read that again and put in the commas,—liquor may be sold,

This is not the time for anything facetious. This is important to us, and I want to read this to you: "Liquor may be sold by licensees, other than clubs." Now, this exempts them only after seven o'clock antemeridian of any week day and until two antemeridian of the following week day and shall not be sold by licensees other than clubs. Notice that, "other than clubs"; it exempts them. "On Sunday or on any day on which a general municipal special or primary election is being held."

I want to call your attention to the fact that this bill, while apparently small in volume is sponsored by our honored and respected lady of the House, and this bill is apparently the offspring of a bill that was sponsored by four of the stalwart gentlemen of this House, which reminds me of the old excuse of Adam when he said, "Lord, it was the lady that tempted me."

They put the responsibility of this bill back on the lady and their names are cancelled from it.

I wish to read as a part of my address a few lines from an editorial in the Harrisburg Patriot of yesterday:

The average person who agrees to have the Commonwealth in the liquor business at all, only because it is the lesser of the evils, is not so much concerned about the decrease in profits. Further, every sane person realizes that bootlegging existed during Prohibition just as it did before and since. No law will completely forestall the bootlegger.

But the "package goods' sales are more serious than the effect on State Store profits and bootlegging. Such sales means another step back to the old days. There was so much in that era of misery that on that ground alone, nothing suggestive of the "old days" should be carried over into the new.

This legislative proposal like that to allow the old-time drinking at the bar are just so many steps back to the days when the liquor business so sickened the people that they sought to outlaw it with Prohibition. To some persons there may be a social charm in the old saloon type, but there is also a menace in it which this State along with many others sought to avoid in the liquor legislative set-up following Prohibition repeal.

The farther away from the old order liquor control can be handled the lesser will be its damage to society. It is hard to believe that this demand that retailers sell liquor in packages for consumption off the premises comes from the consumer. He can obtain all the liquor he wants during State Store hours. If it must be obtained for medicinal purposes, the drug store supply is available.

This move may well be suspected as originating with the liquor interests who want to get more money out of the business and in this instance at the expense of the State Stores and the good order of society. Canada, so much touted by the American wets, would never think of tolerating such package sales in its system.

This bill is supposed to be much more pious, much more righteous in its amended form.

Now, we are getting away from the old order in this Sunday liquor business, and I beseech you, if you have children or grandchildren as I have, to protect them by giving them a vote that is in accordance with your own conscience.

There has been more questionable legislation offered in this session than in any other session of which I have knowledge, although, thank God, it did not pass by any manner of means. Let us show that we have consciences. Let us show that we believe in the Almighty establishing the destiny of mankind. Let us do our part by giving the bill the right kind of a vote which means "no."

Mr. SOWERS. Mr. Speaker and members of the House, the bill that is now before you is drafted erroneously and I think it will not accomplish the purpose that the lady from Philadelphia has in mind.

The bill is dangerous for this particular reason: Should the Governor sign this bill last, then the requirements of not reducing the floor space and the number of chairs would be restored in the liquor control bill. If you will turn to page five of this bill, to the definition of "restaurant," you will find that it re-enacts the old law, and you will find that you will do just what you want to do. If you will turn to the definition of "hotel," and you enact this bill and the Governor signs this as the last bill, then you will restore the old law that you the other day voted to amend.

Now, members of the House, the words used with reference to clubs are the identical words that were used in a case that went to the Superior Court and the Supreme Court, that was decided against the clubs. Let that be the law but for God's sake do not put this in, which will upset everything.

Members of the House, let me say one more word to you. If clubs and if bars are not taken care of this session, I say the blame is solely that of the chairman of the Law and Order Committee.

MOTION TO RECOMMIT

Mr. KANE. Mr. Speaker and members of the House, the title of this bill does not agree with the body of the bill, and I move that it be recommitted to the committee on Law and Order, for the purpose of amendment.

On the question,

Will the House agree to the motion?

Mr. BLUMBERG. Mr. Speaker, and members of the House, may I request that you vote down this motion for recommital because this is a House Bill, and unless this bill is passed tonight and messaged over to the Senate, there will not be sufficient legislative days remaining to enact it into law. When the bill is again before you, I should like to point out the importance of final consideration of this bill tonight. This is a very important matter and therefore I ask you to defeat the motion and permit me to point out to you the importance of the bill at this time.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. CONNER and were as follows:

YEAS—56

Alexander,	Gates,	Moore,	Snyder, F. E.,
Altenburg,	Gillette,	Muir,	Sowers,
Arnold,	Habbyshaw,	Nagel,	Stewart,
Atkins,	Hetrick,	Panton,	Stockham,
Boose,	Jackson,	Parks,	Stone,
Boyer,	Kane,	Rhys,	Sumney,
Brennan,	Kelso,	Robinson,	Surface,
Brown, J. E.,	Klinger,	Schrock,	Terry,
Brownfield,	Longaker,	Schwab,	VanAllsburg,
Brumbaugh,	Lynch,	Shugarts,	Walker,
Carson,	Male,	Sinwell,	Wickersham,
Castor,	McCreary,	Sloan,	Wood,
Decker,	McKinney,	Smith, J. A.,	Woodside,
Forrest,	Merrell,	Smith, W. G.,	Yourishin,

NAYS—99

Achterman,	Davies,	Long,	Ruffennach,
Allen,	Denning,	Lovett,	Ruth,
Andrews,	Dent,	McDermott,	Sarraf,
Baine,	Eberharter,	McDevitt,	Scanlon,
Baker, J. J.,	Eroe,	McHenry,	Schrope,
Baldi,	Falkenstein,	Melchiorre,	Shaw,
Barber,	Finnerty,	Mentzer,	Shepard,
Barnhardt,	Fitch,	Moomaw,	Shortz,
Bernhard,	Flanagan,	Mooney,	Siegel,
Blumberg,	Gerard,	Moran,	Simon,
Bradley,	Greenstein,	O'Keefe,	Stank,
Brancato,	Hagerty,	Ominsky,	Tahl,
Brown, H. S.,	Haluska,	O'Neill,	Trout,
Burke,	Hamilton, F. P.,	Patterson, J. W.,	Tumelty,
Cannon,	Harkins,	Pearson,	Turner,
Caputo,	Harmuth,	Perry,	VanSickle,
Carr,	Hindman,	Peters,	Wall,
Chervenak,	Hirsch,	Pfaff,	Wasserman,
Coakley,	Holland,	Phillips,	Weiss,
Cohen,	Holstrom,	Piole,	Westrick,
Coleman,	Hoopes,	Powers,	Winner,
Condon,	Kelder,	Reising,	Witkin,
Conner,	Kilroy,	Reynolds,	Zimmerman,
Coolahan,	Kinney,	Rinn,	Sarig,
Cordier,	Linderman,	Root,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker and members of the House, I am informed that the errors in the bill may be corrected in the Senate. I hope they will be corrected in the Senate and with that information and with that hope and this seems the only chance apparently to help the clubs except by House Bill 2437, I ask every member of the House to vote "aye" on the bill.

Mr. SURFACE. Mr. Speaker and members of the House, inasmuch as I have pointed out to you that the bill is defective and does not contain the amendments that were supposed to be presented and is defective, I ask you to vote "no" on it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. KANE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—112

Allen,	Eberharter,	McDermott,	Scanlon,
Andrews,	Falkenstein,	McDevitt,	Schrope,
Baine,	Ferko,	McElroy,	Schwartz,
Baker, J. J.,	Finnerty,	Melchiorre,	Shaw,
Barber,	Fitch,	Mentzer,	Shepard,
Bernhard,	Flanagan,	Moomaw,	Shreiner,
Blumberg,	Furman,	Mooney,	Shugarts,
Bradley,	Gerard,	Moore,	Siegel,
Brancato,	Green,	Moran,	Simon,
Brown, H. S.,	Greenstein,	Nothnagle,	Sinwell,
Burke,	Haberlen,	O'Keefe,	Sowers,
Cannon,	Hagerty,	Ominsky,	Sproul,
Caputo,	Haluska,	O'Neill,	Stank,

Carr,	[illegible]	Patterson, J. W.,	Pahl,
Castor,	[illegible]	Pearson,	Pronzo,
Chervenak,	Harmuth,	Perry,	Tumelty,
Coakley,	Hart,	Peters,	Van Sickle,
Cochran,	Hirsch,	Pfaff,	Walker,
Cohen,	Holland,	Phillips,	Wasserman,
Coleman,	Holstrom,	Piole,	Weidemann,
Condon,	Hoopes,	Powers,	Weiss,
Conner,	Jackson,	Reising,	Welsh,
Coolahan,	Kilroy,	Reynolds,	Wickersham,
Cordier,	Kinney,	Robinson,	Winner,
Davies,	Klingler,	Root,	Witkin,
Denning,	LaRue,	Ruffennach,	Yourishin,
Dent,	Linderman,	Ruth,	Zappala,
Downey, J. J.,	Long,	Sarraf,	Sarig,

NAYS—48

Alexander,	Gillette,	Merrell,	Snyder, F. E.,
Altenburg,	Habbyshaw,	Muir,	Stevens,
Arnold,	Hefferon,	Murrin,	Stewart,
Atkins,	Hetrick,	Nagel,	Stone,
Brennan,	Horst,	Panton,	Sumney,
Brown, J. E.,	Jones,	Parks,	Surface,
Brownfield,	Kane,	Schrock,	Terry,
Brumbaugh,	Kelso,	Schwab,	Van Allsburg,
Decker,	Lynch,	Shortz,	Wall,
Eroe,	Male,	Simpson,	Welliver,
Forrest,	McCreary,	Sloan,	Wood,
Gates,	McKinney,	Smith, J. A.,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. OMINSKY. Mr. Speaker, I desire to call up at this time House Bill No. 2902, Senate Bill No. 1128, Printer's No. 745, on page 36 of today's calendar, which was placed upon the postponed calendar.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. OMINSKY.

The House resumed the consideration on third reading of House Bill No. 2902 (Senate Bill No. 1128), entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by restricting the right to proceed against certain property and persons limiting the amount of deficiency judgments and continuing rights duties and obligations established or forfeited under prior laws relating to deficiency judgments

On the question recurring,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 1, 2 and 3 of title, by striking out the words "obligors or guarantors of bonds and mort-" in line 1, all of line 2, and the words "others indirectly liable for the payment thereof" in line 3.

Amend title, page 1, line 3 of title, by inserting a heavy-faced bracket after the word "and" as follows: "]"

Amend title, page 1, line 4 of title, by striking out the heavy-faced brackets before and after the word "mortgaged"

Amend title, page 1, line 4 of title, by inserting a heavy-faced bracket before the word "affected" as follows: "["

Amend Sec. 1, page 1, lines 4 and 5, by striking out the words "or any other obligation securing or guaranteeing"

Amend Sec. 1, page 2, lines 5 to 10, by striking out the words "and before" in line 5, and all of lines 6 to 10, both inclusive.

Amend Sec. 3, page 3, lines 12 and 13, by striking out the words "or any obligation securing or guaranteeing such mortgage debt"

Amend Sec. 8, page 6, lines 9 and 10, by striking out all of said lines.

Amend Sec. 9, page 6, line 14, by striking out the words "or guaranteeing"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORTS FROM COMMITTEES

Mr. JAMES W. PATTERSON, from the Committee on Counties, reported as committed House Bill No. 3049 (Senate Bill No. 1290), entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of.

Mr. SHAW, from the Committee on Counties, reported as committed House Bill No. 3062, (Senate Bill No. 1581), entitled:

An Act to enable county commissioners in counties of the second class to issue sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

Mr. SCHWAB, from the Committee on State Government, reported as committed House Bill No. 3046, (Senate Bill No. 1621), entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees

Mr. ACHTERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 2874, (Senate Bill No. 1041), entitled:

An Act to amend section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred nine) entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" extending said act to the laying out of public roads for the benefit of property owners on vacated public highways.

Mr. JOHN E. BROWN, from the Committee on Agriculture, reported as committed, House Bill No. 3063, (Senate Bill No. 1286), entitled:

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat-rye-corn-and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" further prescribing what may be mixed and sold under the provisions of the act.

Mr. HOLSTROM, from the Committee on Public Utilities, reported as committed, House Bill No. 3042, (Senate Bill No. 180), entitled:

An Act making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties.

Mr. FERKO, from the Committee on Cities, reported as committed, House Bill No. 3050, (Senate Bill No. 1143), entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week except in emergency cases.

Mr. WELLIVER, from the Committee on Forestry, reported as amended, House Bill No. 3002, (Senate Bill No. 732), entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriaion therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

Mr. RUTH, from the Committee on Education, reported as amended, House Bill No. 2917, (Senate Bill No. 1305), entitled:

An Act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the reduction of taxes on real property by school districts and imposing duties on school districts.

Mr. ARNOLD, from the Committee on Agriculture, reported as committed House Bill No. 3060, (Senate Bill No. 1510), entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties.

Mr. SURFACE, from the Committee on Agriculture, reported as committed House Bill No. 3040, (Senate Bill No. 1516), entitled:

An Act for the protection of producers of farm produce providing for the licensing and regulation of certain individuals and entities receiving selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

Mr. McCREARY, from the Committee on Agriculture, reported as amended House Resolution No. 169.

BILLS ON FIRST READING

Pursuant to the motion of June 18 that all bills reported from committee be read, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3049, (Senate Bill No. 1290), entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3062, (Senate Bill No. 1581), entitled:

An Act to enable county commissioners in counties of the second class to issue sell and dispose of bonds to provide funds to acquire lands or buildings or to erect buildings or construct or make any improvements that may be deemed necessary by any corporation and body politic having the management and control of a work house and inebriate asylum.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3046, (Senate Bill No. 1621), entitled:

An Act to further amend the act approved the fifth day of May one thousand eight hundred ninety-nine (Pamphlet Laws two hundred twenty-nine) entitled "An act relative to the liens of the Commonwealth against unpatented lands providing for their adjustment and for the granting of patents" by exempting the Commonwealth and any department board or commission thereof from the payment of certain patent fees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2874, (Senate Bill No. 1041), entitled:

An Act to amend section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred nine) entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" extending said act to the laying out of public roads for the benefit of property owners on vacated public highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3063, (Senate Bill No. 1286), entitled:

An Act to amend section three as amended and section five of the act approved the third day of May one thousand nine hundred and nine (Pamphlet Laws three hundred ninety-five) entitled "An act regulating the sale of concentrated commercial feeding-stuffs also of condimental stock and poultry-food and patented proprietary or trademark stock and poultry-food possessing nutritive value combined with medicinal properties defining concentrated commercial feeding-stuffs prohibiting the adulteration of any feeding-stuffs prohibiting the adulteration of any feeding-stuffs sold offered or exposed for sale in this State with oat hulls ground corn cobs flax plant refuse elevator chaff cotton-seed hulls ground corn stalks rice hulls peanut hulls weed seeds or other similar adulterants providing for the collection of samples and analysis thereof by the Department of Agriculture and the publication of information concerning the same providing also for the expenses of the enforcement of the law fixing penalties for its violation and repealing act number two hundred and eleven (Pamphlet Laws one thousand nine hundred and seven page two hundred and seventy-three) entitled 'An act regulating the sale of wheat-rye-corn-and buckwheat-bran and middlings or any admixture thereof' et cetera approved the twenty-eighth day of May one thousand nine hundred and seven" further prescribing what may be mixed and sold under the provisions of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3042, (Senate Bill No. 180), entitled:

An Act making it unlawful under certain conditions for any water company to discontinue to any municipality the supply of water for fire protection purposes providing for the collection of water rates from cities boroughs towns and townships and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3050, (Senate Bill No. 1143), entitled:

An Act requiring cities of the first class to allow members of the police departments twenty-four consecutive hours of rest each week except in emergency cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3002, (Senate Bill No. 732), entitled:

An Act to amend section one of an act approved the thirtieth day of May one thousand eight hundred and ninety-three entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park and making an appropriation therefor" as amended by providing for the acquisition of additional land by the Valley Forge Park Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2917, (Senate Bill No. 1305), entitled:

An Act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the reduction of taxes on real property by school districts and imposing duties on school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3060, (Senate Bill No. 1510), entitled:

An Act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3040, (Senate Bill No. 1516), entitled:

An Act for the protection of producers of farm produce providing for the licensing and regulation of certain individuals and entities receiving selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. WESTRICK asked and obtained permission of the House for the Committee on Agriculture to meet during the session of the House.

RESOLUTION No. 173

Mr. FALKENSTEIN. Mr. Speaker, I desire to call up at this time Resolution No. 173, Printer's No. 1566.

The resolution was read by the Clerk as folows:

In the House of Representatives, June 12, 1935.

Whereas There has been much criticism directed against the State Board of Pharmacy to the effect that the board is no longer complying with the provisions of the law under which the board was created and

Whereas It is alleged that the board has repeatedly shown favoritism to certain persons and to the graduates of certain pharmaceutical schools and

Whereas It has been charged that the board permits certain privileged persons to meet a lower standard of qualifications than it does other persons therefore be it

Resolved That the Speaker of the House of Representatives is hereby authorized to appoint five members of this House whose duty it shall be to fully fairly and impartially inquire into and investigate the practices of the State Board of Pharmacy particularly as to the educational requirements whether there exists any evidence of favoritism and whether the members of the board are properly qualified and are carrying out the duties imposed by law on said board

Resolved That the said committee shall make a report on its findings to the House of Representatives at its next session

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the House adopt the resolution?

It was adopted.

ALL HOUSE BILLS DROPPED FROM CALENDAR

Mr. RUTH. Mr. Speaker, I move that all House bills be dropped from the calendar.

The motion was agreed to.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TAHL. RESOLUTION No. 177.

In the House of Representatives, June 19, 1935.

Whereas, A large number of the young people of our Commonwealth, who have attained the proper scholastic requirements, are denied admission to the medical schools of this Commonwealth; and

Whereas, It is believed that this is due in large measure to the many students from other states, territories and countries who are admitted to such institutions; and

Whereas, The General Assembly at each biennial session of the Legislature appropriates large sums of money for the support of these schools; therefore be it

Resolved, That the Speaker appoint a committee of five members of this House whose duty it shall be to gather information showing the number of students admitted or to be admitted to the medical schools of this Commonwealth for the years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, the number of students in the classes admitted said years who reside in this Commonwealth, and the number who reside outside this Commonwealth, showing the number admitted from each other state and country. The committee shall also gather such additional data and information as it deems pertinent to the purposes of this resolution.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect to refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Resolved, That said committee shall report to the next session of the House of Representatives.

Referred to the Committee on Education.

By Mr. McCREARY. RESOLUTION No. 178.

In the House of Representatives, June 19, 1935.

Whereas, Associations and corporations generally known as Co-operative Agricultural Associations or Corporations of Producers of Farm Products are directly or indirectly marketing to consumers of farm products in this Commonwealth an ever increasing proportion of such products produced by the farmers of this Commonwealth, and

Whereas, A substantial number of the citizens of this Commonwealth are directly interested in the management, operation and supervision of such associations or corporations as members thereof, and

Whereas, the general public of the Commonwealth has an interest in the management, operation and supervision of such associations or corporations by reason of the fact that a substantial and ever increasing proportion of the agricultural products sold to the general public for consumption are marketed through such associations or corporations, and

Whereas, it is said to be desirable that the present laws governing such associations or corporations be revised to provide for the more efficient management, operation and supervision of such associations or corporations in the interest of the members thereof and the general public, and

Whereas, certain legislation has been proposed and is now pending before the Legislature designed to revise the existing law relating to such associations or corporations and it is said to be desirable that legislation be enacted properly to revise the management, operation and supervision of such associations or corporations, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a committe of five members of the House of Representatives, whose duty it shall be to investigate the operation of existing laws relative to the management, operation and supervision of Co-operative Agricultural Associations or Corporations of Producers of Farm Products, and to determine what, if any, changes or revisions should be made in such laws properly to provide for such management, operation and supervision of said associations or corporations in the future, and

Resolved, That the committee shall make a report to the House of Representatives as early as possible either at this session, if feasible, or at the next special or general session of the House of Representatives, and

Resolved, That the said committee shall have the power to hold public or private hearings, and to audit the books and accounts of such Co-operative Agricultural Associations or Corporations of Producers of Farm Products as in the opinion of the committee it may deem necessary to effectuate the purpose of this Resolution and to effect the purpose of this Resolution the committee shall have the power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before it and to answer to such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of the said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the law of the Commonwealth in such cases.

Referred to the Committee on Agriculture.

ADJOURNMENT

Mr. SIMON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 11:40 P. M.) the House adjourned until Thursday, June 20, 1935, at 11:00 A. M.

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